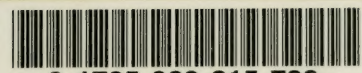


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Calendar
OF
STATE PAPERS
COLONIAL SERIES

AMERICA AND WEST INDIES
1724—1725

PRESERVED IN THE
PUBLIC RECORD OFFICE

EDITED BY
CECIL HEADLAM, M.A.

WITH AN INTRODUCTION BY
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UNDER THE DIRECTION OF THE MASTER OF THE ROLLS

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INTRODUCTION.

The papers here dealt with cover the years 1724 and 1725 and were abstracted by the late Mr. Cecil Headlam to form the eighteenth volume of the *Colonial Calendar* upon which he had been engaged as editor from 1905 to 1934. Unfortunately he was carried off by a comparatively early death before he was able to write the Preface to the volume, and that task has fallen to a new hand.

The publication of the *Calendar of State Papers, Colonial Series, America and West Indies* began two generations ago, and though it has been pursued uninterruptedly for three-quarters of a century, it has demanded the labours of but three editors in succession during that long period. The first volume was prepared by W. Noel Sainsbury, and published under the direction of the Master of the Rolls (Sir John Romilly) in 1860. It covered the period from 1574 down to the Restoration of 1660, wherein the colonial papers in the public archives were comparatively scanty; succeeding volumes, however, have each dealt with a much shorter period. Between 1860 and 1893 four volumes appeared in the *America and West Indies Series* under Sainsbury's editorship, the second, third and fourth covering the period down to 1676 together with a considerable mass of Addenda for the early period. On Sainsbury's death in 1895 the work was taken up by the late Sir John Fortescue, and he brought out seven volumes of the *Calendar* including the papers of the years 1677 to 1698. When he resigned in 1905, Mr. Cecil Headlam became editor. In the seventeen volumes published between 1908 and 1934 he covered the period from 1699 to 1723, each of the later volumes including the papers belonging to two successive years. Before his last illness he had abstracted the papers of some later years, but had not prepared the Prefaces to the volumes in which they were to be published.

Provenance
of the State
Papers.

The provenance of the papers here dealt with has been mentioned in the Prefaces to early volumes of the *Calendars of State Papers*,⁽¹⁾ but it is convenient here to recapitulate some of that scattered information in order to recall certain points in regard to the sources of the materials included.

After the appointment of Sir Thomas Wilson as Keeper of the State Papers in 1612, it was ordered that the papers of the Secretaries of State should be deposited, when they ceased to be immediately needed, in his custody in the State Paper Office. In fact, however, this regulation was very imperfectly obeyed, and many Secretaries of State carried away their papers when they left office. The collection of papers now preserved under the custody of the Master of the Rolls is therefore imperfect, and there are many gaps.

In the storing of the papers Wilson introduced a twofold division :—State Papers, Foreign, dealing with relations with foreign powers, and State Papers, Domesticall, including the rest of the papers that had passed through the Secretaries' office, with a rudimentary sub-division for Irish papers. In the eighteenth century the papers sent from the Colonies to the Secretary of State were kept apart, but the separation was imperfect, and many papers of colonial interest were included in the State Papers, Domestic. When the State Paper Office was amalgamated with the Public Record Office in 1852-4, and the modern system of calendaring began, the papers of the Secretaries of State dealing with colonial affairs were sorted out, as far as possible, and the class of State Papers, Colonial was made comprehensive.⁽²⁾ The series necessarily shared in the imperfections of the collection from which it had been separated, and when the papers of a particular Secretary of State were not transferred to the State Paper Office, there are gaps both in the Domestic and the Colonial Series.

Papers of the
Board of
Trade and
Plantations.

From the Restoration onwards colonial affairs, especially of an economic sort, were dealt with by various successive committees or councils, finally reorganised in 1696 as the

(1) *Cal. St. Pap., Dom.*, 1547-80, Preface, p. ix.

Cal. St. Pap., Col., 1574-1660, Preface, pp. x-xi.

(2) Giuseppi, M.S. *Guide to the Public Records*, Vol. ii, pp. 1-3; *Thirtieth Report of the Deputy-Keeper of the Records*, p. 221.

Commissioners for Trade and Plantations, commonly called the Board of Trade. A large amount of colonial correspondence passed through the Board, and their papers were preserved in a special repository, until they ultimately came into the Public Record Office soon after its organisation at the beginning of Victoria's reign. They were sorted out into two main divisions, (1) the Colonial papers, and (2) the papers relating to foreign and home trade (now Board of Trade, Commercial, C.O. 388, 389, 390).

The colonial papers from the Secretaries of State and those from the Board of Trade and Plantations were combined in 1911,⁽¹⁾ and the joint collection furnishes the whole of the papers that are here calendared. There are papers of colonial interest for the period in other sections of the Public Record Office, but they are not dealt with in this Calendar.

The
Newcastle
Papers.

Throughout the early months of 1724 the Secretary of State for the Southern Province, to whose care colonial affairs were entrusted, was Lord Carteret, but in April, 1724, he was appointed Lord Lieutenant of Ireland and was succeeded by Thomas Pelham-Holles, Duke of Newcastle. Thus began a tenure of the Secretaryship that lasted without a break for twenty-two years down to 1746. Thenceforward until 1754 Newcastle was in charge of the Northern Department. Later, down to 1766, he held various other ministerial positions (including for a time that of First Lord of the Treasury with the Premiership), but after 1754 he had less touch with colonial affairs.

During the period of 1724 to 1746 Newcastle's papers are an essential complement to those in the series with which we are dealing, and which are now preserved in the Public Record Office. While some of the papers that passed through his hands as Secretary of State were filed in the State Paper Office, as they properly should have been, others of exactly similar character remained in his own possession and did not come into public custody until the collection of Newcastle Papers was acquired by the British Museum in 1886. There it is now preserved among the Additional MSS.

(1) P.R.O. *Lists and Indexes*, xxxvi, Introduction.

The correspondence is arranged chronologically in 307 volumes, divided into two series, Home and Diplomatic, according to the traditional method of the Secretary of State's office. The volumes are listed in the *Catalogue of Additions to the Manuscripts in the British Museum*, 1882-1887, pp. 230-252, and there is a full index to the writers and addressees of the individual papers contained in them. The main series is numbered from Add. 32,686 to Add. 32,992, and there are in addition three volumes, (Add. 33,028—33,030) containing papers relating to the American and West Indian Colonies. These include instructions, memoranda, memoirs, petitions and other documents which passed through the Duke of Newcastle's hands in the course of public business, 1710-1768. They really form part of the series of State Papers, Colonial, and so are complementary to the papers calendared here.⁽¹⁾

Journal of
the Com-
missioners
for Trade
and
Plantations.

The Commissioners for Trade and Plantations kept an elaborate Journal of their proceedings and of the business that passed through their hands. Down to 1703 the colonial items from that Journal were included in chronological order in the *Calendars of State Papers, Colonial*, but from 1704 onwards the Journal has been published in its entirety in a separate series of volumes. These, and the modern indexes with which they have been provided, are essential accompaniments to the papers here dealt with, for they enable us to trace with ease the way in which the Board dealt with the business arising in our papers, and in the summaries of verbal evidence given upon it by witnesses called before the Board they frequently provide complementary matter. The entries for the years 1724-5 are included in the volumes of the printed *Journal* covering the period 1723-8.⁽²⁾

(1) For a summary description of the colonial MSS. among the Newcastle Papers and a list of some of the items see ANDREWS, C. M. and DAVENPORT, F. G., *Guide to the Manuscript Materials for the History of the United States to 1783*, in the *British Museum*, etc., pp. 123-141.

(2) *Journal of the Commissioners for Trade and Plantations*, 1723-1728, pp. 62-210. H.M. Stationery Office, 1928.

§ I.

GENERAL.

The
Secretaries
of State.

In accordance with the arrangement made in 1704 correspondence relating to the colonies was dealt with by the Secretary of State for the Southern Department (or Province),⁽¹⁾ and most of the letters coming to the Secretary were addressed to Carteret or Newcastle by name. But both Secretaries were equal in power and function, and so we occasionally find Townshend, though Northern Secretary, signing a letter or giving an order that would normally have come from his Southern colleague. (Nos. 115, 229, 321, 383). Almost from the beginning of Newcastle's tenure of office, we find an increase in the number of letters concerned with patronage and a cessation of consultation with the Board of Trade on the suitability of particular persons for office. The Duke liked to have all the threads in his own hands. Even the foremost persons in the Colonial service tried to win his favour, for, as the Duke of Portland, Governor of Jamaica, wrote, it was necessary to secure the continuance of his Grace's "favour and assistance in the dispatch of affairs, and particularly in being countenanced at home, which is so necessary, having to do with a strange sort of people." (444). Suppliants even in distant colonies tried to propitiate the Duke by small presents, as when Richard Bradley, Attorney General of New York, who wished to be appointed to the Council, asked Newcastle's acceptance of "a dozen of American partridges" which he sent over by a special bearer. (453).

The Under-
Secretary.

The modern Civil Service was not fully developed at the period, but though the informal usages of the early seventeenth century still nominally prevailed, in reality the system was much closer akin to that of the present day. Thus the letters show that Charles Delafaye was one of the most influential persons dealing with colonial matters, but he simply appears in our index as "Secretary to the Duke of Newcastle." In reality he was not a mere factotum (or private secretary, as

(1) See Thomson, M. A., *Secretaries of State, 1681-1782*, pp. 46-7.

we should now say), but held a position comparable with that of the modern Permanent Under-Secretary for the Colonies. This is indicated by the fact that he was performing the same functions under Newcastle as he had done under Carteret. In August 1724 Francis Nicholson, Governor of South Carolina, wrote to congratulate him on "being appointed Deputy Secretary of State to his Grace the Lord Duke of Newcastle, so that all H.M. Governments will be happy under your administration." (312). Delafaye was also Secretary to the Lords Justices who discharged the King's functions during the absence of George II in Hanover. In fact, he must have been a person of importance in the work of the Government, and an early member of the line of those great civil servants of whom the most celebrated was Sir James Stephen, a hundred years later.

The Legal
Adviser to
the Board
of Trade.

Stephen is also recalled when we consider the important functions of another person, Richard West, the counsel to the Board of Trade, who performed similar work to what Stephen did for some years as Legal Adviser to the Colonial Office. The Attorney and Solicitor-General only gave opinions on colonial questions occasionally, and the Board of Trade frequently had to complain of the long delays that were interposed before those opinions were delivered (*e.g.* 326, 419). West was constantly being consulted on the legality and advisability of colonial acts, and his opinions were delivered promptly and with exemplary clarity. West acted until May 1725, (614), when he was appointed to be Lord Chancellor of Ireland. He was succeeded by Francis Fane,⁽¹⁾ who was appointed by letters patent on 19 August 1725, (711). His opinion was first asked by the Board on 15 September 1725 (726), and he replied on 25 October 1725, (761), after about the usual period of waiting.

Offices and
Officers of
the Board
of Trade.

The Commissioners for Trade and Plantations were now comfortably established in their new offices, whose preparation was mentioned in the previous volume. (*Cal. St. Pap., Col., 1722-3*, Preface, p. xiii). The cost of the removal amounted

(1) It may be noted that by an oversight Fane's appointment was mistakenly antedated in the previous volume of the *Calendar* for 1722-3. Preface, p. viii, last l. but one, and p. ix, last l. For "Fane" read "West" in each case.

to 10*l.* 19*s.* 6*d.* (101), and in their new quarters the Board were allowed the service of a porter at a wage of 40*l.* per annum in addition to their usual two messengers, (264). Alured Popple, the third of his line, was serving as Secretary with eight clerks. The Earl of Westmorland was President, but neither he nor the other members of the Board make any appearance in the papers, for the Board always acted as a unit, and we hear nothing of the divisions that must have taken place on controversial questions. Both commissioners and staff must have worked hard, judging by the amount of business done, but they had to wait long for their salaries. In July 1724 they complained that the pay of their Secretary and his officers was 9 months in arrear. (250).

Patent
Officers
in the
Colonies.

The pernicious system of permitting the officers who held places in the Colonies by patent to employ deputies to perform their duties while they remained in England, gave rise to endless difficulties in most of the colonies, and they fill many of the pages in this volume. In some cases, the Governor himself entrusted his functions to a deputy or Lieutenant-Governor, as the Earl of Orkney did in Virginia (40). Lord Carteret was pressed to take for himself the Governorship of South Carolina and the proposer offered to serve as his deputy. (40). But upon occasion a man of high rank took a Governorship and worked hard and well in it. The outstanding example was that of the Duke of Portland, who as Governor of Jamaica had some of the most difficult work to do in the Colonial service. His letters to the Secretary of State are longer and more numerous than those of any other Governor in the volume, yet they are strictly to the point and give a favourable impression of his diligence and capacity.

Jamaica.

With the advantage of his rank and considerable influence with the Home Government, Portland was able to take a stronger line against the patentee scandal than other Governors, but he had to suffer much in his efforts to secure proper execution of their duties by the patentees' deputies. Many of his letters contain long passages describing his difficulties. In December 1724 the Governor wrote to the Board of Trade to complain that "amongst those who have been the most industrious to

oppose the Government, some of them are persons, who enjoy places here [*i.e.* Jamaica] by patent. They look upon themselves as independent, and upon their places as freeholds, thinking they are not at all obliged either to assist, or in the least countenance the Government. He, who has distinguished himself most in showing all the contempt in everything he could, is the Provost Marshal, who, though he is called so, is only Deputy to Mr. Rigby, who himself officiates here as one of the Agents of the South Sea Company." (443, pp. 287-8). The Board assured the Duke of their support, but this was very poor comfort, and he replied by asking certain very pertinent questions :—"My Lords, what I should be glad to know, and desired your advice and opinion in, was that, whereas in my instructions I am directed to inspect into the behaviour of the Deputies put in by the patentees, and also of the patentees ; to suspend them upon misbehaviour etc., how I can execute, and how I must proceed in what is expected from me by that instruction, when deputies and patentees are, as they insisted upon, independent and in a manner bid defiance to any superior power here. . . . Upon the suspension of a Deputy [they] insist upon their right of nominating others, declaring they will nominate none but such as shall be more and more disagreeable." (810, p. 478).

In the same despatch and in a personal letter to Newcastle of the same date (18 December 1725) Portland put his finger on the true cause of these constant troubles of indiscipline from which every Governor throughout the Colonies suffered. "The troublesome difficulties one meets with here are full enough to struggle with, but if it be possible for the people so much to suspect that the least support is wanting, or that those who are inclined to oppose the Government can have the least encouragement, all attempts to succeed in anything recommended from Home may be laid aside. All what the Government here has to influence is the people's expectations of being recommended to favours from home. If or whenever they can perceive they are to be come at by any other channel, it renders the Government here entirely insignificant, so that it must be exposed to encounter or suffer whatever the most

unaccountable tempers can forge." (810, p. 483). "People here are always ready to draw from the most minute thing done at home" what advantage they can. It is necessary "that they should be made sensible (so as to be convinced) that it is to be expected at home [that] a just regard should be had here for H.M. Government, and be satisfied that a dutiful behaviour to H.M. is the only way to obtain favours." If "upon application at home, favours can be obtained by other channels than by deserving them from the Government, . . . all power, or more properly the only influence, one can have here, is gone and lost." (811, p. 485).

Leeward
Islands.

Other Governors of lesser rank found the insolence and neglect of duty on the part of the patentees and their deputies just as flagrant, and by the influence of these persons with their patrons, the Governors, if their actions against vested interests and abuses were too drastic, might be summoned to England to justify their proceedings before the Board. Thus Colonel Hart, Governor of the Leeward Islands, in consequence of his efforts to secure proper and efficient service from Wavell Smith, Patent Secretary of the islands, was accused by him and his adherents of many offences of misgovernment and was compelled to appear by counsel before the Board to answer the charges (701). The greater number of the charges referred to petty technicalities, and the general impression left from a perusal of the voluminous correspondence relating to the matter is that the Governor was trying his best to do his duty under very difficult circumstances, and that he was the object of malicious attack from those whose malpractices he was endeavouring to curb. (391, 509, 657, 666, 777, 806, 821, 833 etc.) At the bottom of the whole trouble there lay the eternal canker of the system of paying officers by fees and their piling up to pay deputy upon deputy.

Some of the patent officers paid their deputies a mere pittance for performing the duties of the office, as Governor Hart described in his letter of 16 March 1723 $\frac{3}{4}$. "I must own that the Patentee of the Secretary's office of this Government [of the Leeward Islands] [Mr. Wavell Smith], has put his Deputies upon such a rack rent that persons who have a capacity for them

can find better bread in other employments. If I should suspend the Deputy [who has proved so careless and inefficient] I know not where to get any person to supply his place," (91). As these deputies of the Secretary had to prepare the records of the various Councils and Assemblies in the particular islands, Montserrat, Nevis, etc., the many gaps and defects in the records of the islands are partly explained.

New York.

The most serious dispute over the action of Patentee's deputies and the Royal prerogative was that in the colony of New York which was of long continuance. In previous volumes of the *Calendar* (*Cal. St. Pap., Col., 1730-1*, pp. xxxi-xxxii; *1722-3*, pp. xxix-xxx) reference was made to the dispute between Horace Walpole, the Patentee holding the office of Auditor General of the Plantations, and the Assembly of New York who refused to allow his Deputy, George Clarke, to audit the Treasurer's accounts. The Lords Commissioners had reported that the Assembly's proceedings constituted a very great invasion of the Royal prerogative which "may tend to their making themselves independent of the Crown of Great Britain." Governor Burnet was therefore ordered to use his utmost endeavours to have all the revenues returned into the hands of the officers appointed by the King. The Assembly at length yielded to pressure, and agreed to the annual auditing of the revenue by Walpole's deputy and the payment of the arrears of fees of 5 per cent. due to the Auditor General, amounting to £2232. (*Cal. St. Pap., Col., 1722-3*, p. 394). The members of the New York Assembly thought it a hardship to allow 5 per cent. upon the audit of this amount raised to discharge the warrants signed for the payment of the arrears of fees of the Auditor General, but Philip Livingstone, Secretary for Indian Affairs in New York, wrote to Walpole to say that he had advised them that it was in vain to struggle against it. The Auditor General would always be entitled to his fees of all public moneys raised for support of the Government, and they ought to allow public moneys to be received by the Collector and Receiver General appointed by the Crown in preference to a specially nominated Treasurer. (191).

However, the matter still dragged on, and Walpole could not get his money, for the Assembly had inserted a clause in their Act confining the payment of the arrears to "officers residing in the Government." As George Clarke, the Deputy Auditor, wrote to Walpole, some mask was always upon what was done, to let the world see that it was submitted to for the present only and of necessity. (375). In 1725 the Duke of Newcastle took up the matter and wrote strongly to Governor Burnet on the principle involved. The poverty of the Province was plainly not the reason for the Assembly's endeavouring to set the Auditor General aside, as they had in effect done with the King's Receiver. "The Prerogative of the Crown," he wrote in June, "is so apparently concerned in the affair that you [the Governor] should more particularly pursue that part of your Instructions by which you are directed to support those who by patents under the Great Seal derive from it their title to the exercise of their employments and to the rewards which H.M. appointment, or the rules and customs established in that respect, have annexed to those employments." The Governor was ordered to discountenance and discourage any attempts by vote of Assembly or otherwise to support any receivers of public money in their refusal to account to the King by his proper Patent Officer, the Auditor. He was not to pass any money bills in which there was a clause permitting the receivers to avoid so accounting, and he was to assist by all legal means the Auditor's Deputy in receiving the recompense due to the Auditor for auditing the said accounts. (652).

Governor Burnet replied to this letter in November to say that the principal complaint relating to Mr. Walpole's office of Auditor General had been redressed nearly two years before, for since that time the whole current revenue had been accounted for yearly, and all the arrears since 1715, to his Deputy who had received the 5 per cent. for it (782). Though he had difficulty in collecting his dues, Horatio Walpole thus got them in the end and clearly he held an extremely lucrative sinecure. His own service was being performed as Ambassador in Paris, but he did nothing as Auditor, save to draw his fees.

The newly elected members of the Assembly were the chief opponents of the Auditor's claim and his rights had become a popular topic, so that the Governor himself incurred great displeasure by insisting on them (782).

Encroach-
ments on the
Prerogative.

The Board of Trade and their legal adviser had to be continually on the watch to guard against encroachments upon the Prerogative of the Crown in the Acts passed by the Colonial legislatures, and they took much the same form in different colonies and usually related to the power of taxation. A typical case occurred in Barbados. An Act had been passed for laying an imposition or duty on wines and liquors imported into that island, in which the Commissioners found that methods of collection were prescribed that were distinctly derogatory to the Royal Prerogative. According to the Governor's instructions, all taxes or impositions whatsoever laid upon the subjects were to be given by way of grant to the King, his heirs and successors, for the uses set forth in the Act, but in this Act there was no mention whatsoever made of the Crown, nor was there a grant of anything to the King. Instead, it was enacted that after the publication, the duties raised should be paid to a Treasurer appointed by the Act. In consequence it was provided that the bonds given for the payment of the duty were to be taken, not in his Majesty's name, but in that of the Treasurer, who was empowered to issue his warrant against such persons as did not comply with the condition of their bonds. This power was by the Act so absolutely vested in him that, in case of misuse, the party aggrieved could have no relief by application to any of the King's Courts of Justice in the island. Beyond this, the Treasurer and Comptroller were further empowered to issue warrants, not to the proper officer, the Marshal, but to any two constables, so that the ordinary course of the law was overridden. Those suspected of infringement were to be obliged to answer upon oath any questions put to them, and their ships were to be liable to forfeiture even for the smallest offence and without the consent or privity of the master or owner. Thus the Treasurer appointed by the Act was to replace the proper Customs officers indicated by the Acts of Trade and

Navigation, and so the prerogatives of the Crown were infringed and the subjects oppressed (49). The Board therefore recommended that the measure should be disallowed, but in the end the King did not think fit to repeal the Act (334) and left the Governor to deal with it in another way.

Duties on
European
goods.

Various of the Colonial legislatures, and notably that of New York (143) had passed Acts laying duties on European goods as the Barbados Act did, and it was decided that a General Instruction should be sent to all Governors in the Plantations not to give their assent to any such Act. This was done (200) and Governor Worsley on the receipt of the Instruction (399) sent a copy of it to the Assembly in order to secure the passing of a bill repealing the obnoxious clauses. The members could not persist in their desire to raise duties on European goods in the face of such an explicit prohibition. They gave way, as they had done on the infringements of the Prerogative, which had already been remedied in an Excise Act drawn up in a less objectionable form (382, p. 236).

The longstanding disputes between the Councils and the Assemblies in the various Colonies as to their respective rights in regard to money bills appear frequently among the papers. In Massachusetts, for example, the Governor and Council having paid some of the just debts contracted in the service of the Province in the recess of the General Assembly, the House of Representatives at their next meeting voted those payments to be grievances. When the House would not agree with the Council to give a sufficient supply for the Treasury to carry on the Indian war, the Council asked for a conference, but the House refused, alledging that it was not agreeable to their privileges, contrary to the known usage of the General Assembly and manifestly tending to destroy all good correspondence between the Council and the House of Representatives. Thus the session ended with less than 6*l.* in the hands of the Treasurer to carry on the Colony's business, while the House ordered their Articles of Grievances to be forthwith printed for circulation among their constituents.

Disputes on
Money Bills.

There was in the opinion of the Governor a determined intention to over-ride and ignore the Council, for, for many

Mas-
sachusetts.

years, the Representatives had industriously avoided all conference with the Council in matters of weight; whereby the rank and file of the country members were prevented from seeing public business set in a true light and were at the mercy of the misrepresentations of the leading men in the House of Representatives. The old tenacious oligarchy was, in fact, determined to lose no opportunity of maintaining its influence and to make use of the constitutional doctrine set up by the English House of Commons, whenever they found it convenient to their purpose. (77, p. 51).

South
Carolina.

A similar dispute arose in South Carolina. An Address was sent by the Council of that Colony to the Duke of Newcastle protesting against the encroachment of the Lower House of Assembly upon their privileges in regard to money bills. By the Governor's Instructions the Council was invested with the power of framing, altering and amending money bills, and by the constant practice of the Province had made use of it. But now by a formal vote of the House of Representatives it was declared that the members of the Council had no power to make any alterations in a Tax Bill. The Colony was in such a difficult financial position that the Council had to give their assent to an Act laying taxes, because if they had taken the only alternative open to them in the face of the Assembly's resolution, to reject the bill outright, it would have thrown the Government into confusion, and they were unwilling to take the responsibility (813 i.)

Nevis.

In the small colony of Nevis another point was raised in connection with a similar question of principle. Governor Hart forwarded to the Board of Trade Addresses from the Council and Assembly relating to the dispute between them. The Council had denied a Conference with the Assembly upon a tax bill, upon which the House adjourned themselves from day to day without taking any notice of the President and Council (260). They claimed that "it is the undoubted right of the Commons to raise money, and that all subsidy bills should have their rise there." (260, xi). The Council, on the other hand, claimed the right to be consulted when a tax was raised, before a bill was presented by the Assembly (260, xii). The Governor

concluded that the Council were not in right in preparing levy bills by joint Committee with the Assembly, and their refusing of a Conference was a dangerous step. The Assembly's adjourning themselves and meeting again was an invasion of the Crown's Prerogative, and he therefore decided to dissolve the Assembly. (260, xiii).

The matter may at first sight seem of minor importance when it concerned so small a colony, but it illustrates the way in which such constitutional questions arose both in small colonies and large, and it indicates that the progress of constitutional conventions may be studied comparatively in many directions with profit. Points that must have been in the minds of the disputants in the larger legislatures but do not appear, may be brought out elsewhere, for constitutional theories were the same throughout all those parts of the Empire that had representative institutions.

Lack of
knowledge
of the Laws
in force.

The colonists were always ready to enter into constitutional disputes with their Governors whenever their pockets were touched or their traditional rights, as they thought, infringed. But their knowledge of the state of the law was by no means explicit, as the Commissioners for Trade and Plantations wrote to the Lord President of the Council in May 1724. "We find [the Colony of Bermuda] was very little informed what Acts of their Assemblies were in force, till we sent them a collection of their Laws lately revised and printed by our direction, and that they have long been governed by laws which had been repealed many years by the Crown. This inconvenience is common to the other Colonies, and arises from the neglect of their Agents, who seldom give themselves the trouble of taking out any Order in Council, either for the repeal or confirmation of Acts wherein private persons are not concerned." They asked therefore that all Orders-in-Council for the confirmation or repeal of Acts of Assembly in any of the Colonies in America might be sent to the Board for transmission to the Colonies concerned. (183).

Method of
dealing with
Colonial
Acts.

In a little later letter to the Duke of Newcastle, in reply to his request that there might be no delay at the Board in dealing with Colonial Acts, (230), the Commissioners gave an interesting

account of the way in which they dealt with such matters. "We generally divide the Laws of the Plantations into three different classes, that is to say, such as for the service of the Colonies or the security of private property demand an immediate confirmation; such as in their own nature are so pernicious as to demand an immediate repeal; and lastly, such of whose effect being doubtful, we think it necessary to let them lie as probational, till we shall have been fully informed what effect they may have in their execution. As to all Acts of the two first kinds, we never fail to represent upon them without loss of time to H.M.; but as to those of the third class, we generally lay our opinions concerning them in a great number at once before H.M. occasionally, as the respective affairs of the different Colonies fall under our consideration. But as to the Laws of the Plantations in general, we take leave to observe . . . [that] the fewer Acts there are confirmed, the greater will be the dependence of the Colonies upon the Crown." (231).

The
Governor's
Jurisdiction.

Two interesting cases concerning the limits of a Governor's jurisdiction arose during the period and afforded vexed questions to be solved by the Law Officers of the Crown. The *St. Christopher* galley when putting out from Barbados failed to fly the tarpaulin as a flag which indicated that she had had proper clearance. She was fired upon by the 'matross' of James Fort, but failed to heave to, and a second shot was fired which struck her when she was about two miles off shore, and slew her mate. The Governor was called upon to have the matross indicted for manslaughter, but he doubted what Court could take cognizance of it; the person that was killed by a gun shot from the shore was upon the high sea two miles out, where in the view of the Governor and his Attorney-General his jurisdiction did not extend (478). The case was referred to the Attorney and Solicitor-General for their opinion, and they replied that the matross could not be tried for the death of the mate in any Court of Common Law, but ought to be tried in the Court of Admiralty in Barbados, or by special Commission under the Statute 11 & 12 Wm. III, the most

known and usual method of proceeding in cases of felonies done upon the sea in those parts. (577).

The Board of Trade sent on this opinion to Governor Worsley (593), but the Duke of Newcastle was apparently not satisfied and referred the case to Sir Henry Penrice, Judge of the Admiralty. He reported that in his opinion though the mate of the *St. Christopher* galley was two miles off shore when he was killed, the matross who fired the fatal shot was not upon the High Seas. The firing was done upon the land, so that the Governor's jurisdiction did extend to the case, and he might proceed to enquire into the case in the same manner as in a case of the like nature upon the land. (598 i).

Statute of
33 Henry
VIII, c.25.

The other case arose in the Leeward Islands and brought up a question which was of great importance on the coast of West Africa a century later. One William White, living in one of the Virgin Islands which had very few inhabitants, shot a man whom he feared was about to rob him. The Deputy Governor of the island arrested White, but there were no Courts of Justice erected there, and he could not be legally tried. White petitioned that he might be brought to St. Christopher for trial. Governor Hart consulted the Solicitor-General of the Leeward Islands, who gave the opinion that, as the fact was committed out of the body of the county of St. Christopher's, White could only be tried under the Statute of 33 Henry VIII.⁽¹⁾ Both the Solicitor and the Attorney-General of the Leeward Islands, had some scruples whether that statute was not confined to the realm of England, notwithstanding the word "Dominion" mentioned in the said statute. No man had ever been tried in the Leeward Islands upon the statute, but it would have extended there, if it had not been enacted before the settlement of the islands. The case was a new one, and the Governor therefore desired that it should be submitted to the Law Officers in England. (692).

Francis Fane, Legal Adviser to the Commissioners for Trade and Plantations, gave the opinion that the Statute of 33 Henry VIII remained in force and applied to the case, but the examination appointed could only be by the Privy Council, and

(1) 33 Hen. VII, c. 23.

commission for trial issued only by the Chancellor of England under the Great Seal. (800). Sir Philip Yorke, Attorney General, and Sir Clement Wearg, Solicitor General, were of the opinion on the other hand, that the statute of 33 Henry VIII did not extend to the Plantations and there was no foundation from that Act to grant special commissions of oyer and terminer for trial of offences arising out of the Colony within which such commission was granted. They advised that the safest method of bringing White to justice was to send him over into England to be examined before the Privy Council and tried pursuant to the statute. (809).

The final decision in the case had not been reached in the period covered by the present volume.

Appointment
of Coroners,
Jamaica.

A point of some interest as affecting the Royal prerogative arose in Jamaica during the long drawn out constitutional disputes between the Assembly and the Governor, the Duke of Portland. The Assembly was searching for grievances against the Attorney General, who had excited their hostility by his actions in the Vice-Admiralty Court. They could find no other way to put in practice but by turning him out of the House upon a petition which they forced a poor man, who was a Coroner of his parish and a creature of theirs, to present to the Assembly. The petition set forth that the petitioner had been thrust out of his office and another Coroner appointed with the countenance of the Attorney General by the Governor's authority. This the Assembly claimed was an invasion of the liberties of the people.

The Governor believed that the Prerogative was attacked and asked for the direction of the Commissioners of Trade and Plantations. "It is true by the indulgence of the Government [of Jamaica] of late some of the parishes have chosen their Coroners, but H.M. Prerogative to remove or appoint Coroners has never been given up. No properer occasion could offer itself to re-establish that prerogative than the absence and neglect of the Coroner in being, particularly at a time when he knew that his immediate attendance would be required. . . By the laws of England they generally elect Coroners in the

Sheriff's County Courts; but as that cannot be observed [in Jamaica], and H.M. has power to appoint Coroners in several franchises, and as there is no law [in Jamaica] to take that privilege from H.M.," it seems that there can be no legal Coroner but by virtue of the Royal power (pp. 288-9).

The Commissioners, however, declined to give any opinion on the subject or even to remit it to Counsel, for as they said, they were not sufficiently informed of the usage of Jamaica, and it was a matter of law depending very largely upon that custom. They reminded the Governor that the Coroners in England were chosen as Members of Parliament were by a majority of the Freeholders, and there they left it. (676).

Writs of
error.
Jamaica.

The Board were similarly non-committal on another constitutional point raised by the Duke of Portland. This concerned writs of error being brought before the Governor and Council. When the Council consists of five which makes a quorum, and three of the Council are of one opinion and two with the Governor of a different opinion, how ought he to proceed, he asked. Ought the Governor's opinion to be deemed in this particular no more than the vote of a Councillor, or ought he to have an overriding voice? (p. 324). The Board replied that this was a matter which might depend upon the usage in Jamaica, but in England there was no custom in the Courts of Judicature to warrant a double vote (676). Such points as these illustrate the extreme difficulties attaching to the Governor's position in a Colony whose constitution was in no sense static, but had to be developed to meet new situations. Every such development might involve acute controversy, and Jamaica was peculiarly the scene of such disputes.

Difficulties in
making up
the Records
in the
Colonies.

Many incidental references illustrate the difficulties of the Governors in preparing the voluminous records that were demanded of them. The Governor of South Carolina, for instance, excused his delay in forwarding the Acts and Journals of both Houses of the Assembly. "Good writers are very scarce here, and we are obliged to send copies of most part of the Tax Act to the several parishes, without which the levy could not be raised, which took up a great deal of time. When I have

got the laws and journals [copied]" wrote the Governor, "I shall, God willing, by the next safe opportunity transmit them." (81).

The Commissioners were insistent in their demands upon the Governors for their records in proper form. In October 1725 they wrote to many of the Governors to complain that they did not punctually comply with H.M. Instructions which required them to send copies of public papers, accounts of public money and all proceedings for their information. They were especially directed to be more exact and particular, especially under the following heads, viz. (i) Journals of the several Councils and Assemblies, fairly abstracted in the margins. The Governor of the Bahamas was reprovved because the copies of Minutes of transactions in Council seemed to be only such as had happened on particular heads and not complete copies of the Journals fairly abstracted in the margins as is directed by the Jamaica Instructions of which a copy was supplied for his better guidance. (747). (ii) Yearly accounts of christenings, burials, etc. (iii) Account of ordnance stores, arms, all sorts of stores of war, and a state of the forts. (iv) Naval Officer's lists of all exports and imports, especially of negroes. (v) Account of establishments of all Courts, Patent Officers, their Deputies, and tables of all fees (744, 745, 746, 747, 748, 749).

If this information had been regularly supplied and had been reliable, there would have been ample material on which to form a complete picture of the government of the Empire, but unfortunately this was not the case. The gaps in the records that have survived, however, are not all attributable to slackness on the part of the Governors.

Gaps in the
Records.

The laws and records of Montserrat were all burned when the Island was taken by the French under the command of Monsieur Cossart (*Cal. St. Pap., Col., 1712*), and the colonists could only plead in the Courts such laws as depended on the strength of their memory. (516). The Acts, that were in force in 1712 and pleaded in the Courts, were in 1724 only in the hands of some particular persons and in loose papers, and it was impracticable to make an authentic collection of them. The Governor

of the Leeward Islands therefore asked the Commissioners to have them copied in their office and reported that the Council and Assembly offered to pay for the extra work of the clerks employed. (91, p. 66).

Fear of war
with France.

France and Great Britain were at peace, but both the French and British authorities in the West Indies were under apprehensions of war upon the death of the Regent (2 Dec., 1723), and active preparations were undertaken to put the colonies on both sides into a state of defence (82, p. 57). Their fears proved groundless, but although peace was maintained, there were constant difficulties and intrigues both in the borderland between Canada and the American colonies and in the West Indies. French intrigues in the Indian war and in Nova Scotia are referred to later in this Preface.

The 'Neutral
Islands.'

The principal difficulties with France in the West Indies related to the so-called 'Neutral Islands.' The colonists from Martinique were constantly encroaching on those islands, which by treaty were preserved from European settlement, and in the opinion of Governor Worsley they were endeavouring to make themselves masters of all the Windward Islands, and it seemed that St. Lucia must in a few years be fully settled by them, for there were already more than 300 Frenchmen there capable of bearing arms. (398, p. 256). On the other hand the French complained that the British were disregarding the treaties in attempting to settle Tobago, and that there were frequent clashes there between the men of the two nations. (291, 398, 478). The matter was not quite clear, for both laid claims to Tobago as not being included in the agreements of neutrality, and the British ambassador in Paris was instructed to enter into negotiation with the French Government (598). French families were also settled in Dominica, and that island was claimed (724). The old agreements about neutrality were certainly breaking down before the growing demand for fresh sugar lands, now that the plantations in the older settled islands were being rapidly exhausted. (291, p. 182).

Boundary
disputes
with Spain.

The difficulties with Spain were of long standing and were similar to those mentioned in many previous volumes. The

question of the boundary between Florida and South Carolina is remarked upon below, when we speak of the latter colony. But it was the loss suffered by the actions of the Spanish guarda costas that specially annoyed the English. The papers abound with complaints of their depredations (*see* Index *under* Spain), and they need not here be referred to in detail. The drive against piracy seemed to be meeting with success, and the number of papers dealing with pirates of British nationality are less in number than in the immediately preceding volumes of the Calendar.

Disputes
between the
Governors
and the
Navy.

Unfortunately the Governors of the Colonies were often at loggerheads with the naval captains on the West Indian Station ; and this impeded necessary action. The commander of H.M.S. *Lynn*, for example, informed the Governor of Barbados that he was sent there to attend the service of the island, but he refused to communicate his instructions, although he admitted that he was ordered to advise and consult with the Governor and the Council. They determined that anything he wrote to any of them ought to be lodged with the Secretary, who, being Clerk of the Council Board, would take care to lay it before the Governor and Council formally (70). The commander, however, replied that without " the greatest indignity done to the Lords Commissioners of the Admiralty " he could have no further correspondence with the Governor until he received their commands. (70 ii (b)). Similar difficulties arose in Jamaica, and led to the escape of pirates who ought to have been taken. (74, p. 41).

The origin of the quarrel was of long standing and generally attributed to events in the reign of Charles II. The only reason for depriving the Governor and Council of any jurisdiction or direction over the station ships was thought to be that Governor Beeston put in the purser of H.M.S. *Falcon* to be Commander after the Captain's death, over the head of another officer, contrary to the rules of the Navy, and that under the command of this purser, the ship was taken by the enemy. It was said that this was made use of by the Lords of the Admiralty to delegate their jurisdiction to the will and purpose of every private Captain of the Station ships. In

consequence, they left the headlands always unguarded, and so the trade, both going and coming, was exposed to the pirates and Spanish guarda costas, and they rose up like mushrooms. (276, p. 169). In Jamaica, the planters therefore had to employ armed sloops for the security of their trade at a yearly expense of £5000. (291, p. 175).

In consequence of these representations, the Board of Trade proposed that all Captains of H.M. ships should be instructed to receive orders from time to time from the Governors and Councils of the respective colonies in America, where they were stationed, for the security of the British trade in those parts. In the view of the Board, such an Instruction, duly complied with, would abate the excessive rates of insurance which imposed undue burdens on the trade. (291, p. 178).

Diligence of
the Board of
Trade.

It has sometimes been suggested that the work of the Board of Trade at this period was of little importance other than in routine matters, and that it was negligently carried out. The papers do not confirm this impression, for the Commissioners seem to have worked hard and well on their own proper business, and undoubtedly the reports they produced after a full examination of the matters referred to them must have been of the greatest use to the Cabinet in its determination of policy. An example will illustrate this point.

Report on
the Sugar
trade.

By Order-in-Council of 30 April 1724 the Commissioners were directed to consider and report upon the state of the sugar and tobacco trade (*Journal*, p. 87) and they began work on the matter on May 5 and continued to discuss it daily. The merchants trading in sugar were called to give evidence, and written queries were submitted to them (*Journal*, May 12, p. 89) to which they were asked to give their replies in writing. (*Journal*, May 15, pp. 93-5). Accounts of the sugar and tobacco imported and exported from 1702 to 1722 were asked for from the Inspector General of Imports and Exports, and these were supplied on June 10. Concurrently with this discussion the Commissioners were ordered to prepare a state of the trade between the United Kingdom and Spain, on the appointment of Benjamin Keene as consul at Madrid (*Journal*, June 16, p. 100),

and the two questions were considered alternately, besides the general matters that came up at the daily meetings of the Board. The draft report was first considered on July 16 (*Journal*, p. 107), together with various representations from the merchants upon it. On July 22 an anonymous memorial from several merchants on the sugar trade was presented (276), and on the 24th after long sittings both morning and afternoon for several days the draft report was agreed upon and forwarded to the Duke of Newcastle (291, pp. 172-185). Prepared in such a thorough and businesslike way, the report is a document of first-rate importance to the history of commerce. It is clear and explicit in its statement of facts, and does credit to the commercial acumen of those who prepared it.

Tobacco
trade.

The major part of the report is concerned with the sugar trade, but it concludes with a brief survey of the tobacco trade which is interesting. (291, pp. 183-5). Some points concerning that trade are also noted in a petition of the tobacco merchants (217).

Tar trade.

At the end of the year the Lords of the Treasury referred to the Board of Trade a petition from the importers and dealers in tar, relating to the premiums paid upon tar produced in the Colonies (434). (*Journal*, p. 138). These premiums were of especial importance to the colony of South Carolina which was trying to build up a trade in tar and pitch, and which maintained that its products were as good as those that came from the Baltic. The knowledge of the processes of preparation admittedly needed improvement, and the Board was asked to find means of teaching the colonists the most improved methods. (466, 466 i, 480). In the course of the correspondence that ensued, some incidental information is to be found concerning British trade with Northern Europe. Petitions (383 i) from shipwrights, who complained that British shipbuilding was being damaged by the growth of the industry in the Colonies, were sent by the Secretary of State for enquiry and suggestions. (383, 405, 438).

The Commissioners were of opinion that the complaint was well-founded, for since 1710 the number of shipwrights in Great Britain had diminished by a half, chiefly owing to the great number of ships built annually in the Plantations, particularly

in New England. The said ships were sold very much cheaper than those built in Great Britain and were entitled to all the privileges of British ships. The Board proposed that a duty of 5s. per ton should be laid on all plantation-built ships sold in Great Britain and afterwards used in foreign trade. This would redress the inequality between British and Plantation prices (485).

Naval
Stores.

The efforts to encourage the production of naval stores in the Plantations, of which mention was specially made in the Preface to the previous volume (*Cal. St. Pap., Col., 1722-3*. Preface, pp. x-xi), were actively continued, especially in reference to the Province of New Hampshire. (45, 64, 210 (p. 113), 352, 466, 480).

Paper
Currency.

In earlier volumes reference has been made to conflicting views held both in Great Britain and the Colonies in regard to the merits and demerits of a system of paper currency and the difficulties of working it. (*Cal. St. Pap., Col., 1720-1*, Preface, p. xxxii; 1722-3, p. x). The same difficulties continued, and there was much correspondence on the subject especially with New York and South Carolina (*e.g.* 409, N.Y., 388; and 616, S.C.).

Trade with
Foreign
Plantations.

Archibald Cumings, Collector of Customs in the Port of Boston, who in November 1722 presented an elaborate scheme to the Board for the collection of Stamp duties throughout the American colonies (*Cal., 1722-3*, No. 328), kept a shrewd and diligent watch on the devices of the New England merchants for driving a coach and four through the regulations of the Acts of Trade. He also made representations from time to time to the Commissioners on the lesser known sides of the trade which contain points of interest. The trade in horses between the Northern Colonies and Surinam, Cayenne, Martinique and Guadeloupe he reported as prejudicial, for it provided the planters with the animal power they needed to drive the machinery of their sugar mills, since they never used windmills as the English did. (376).

A little later, he reported that the trade from Boston to the foreign plantations was increasing daily (439). A great many vessels sailed annually from the port to cut and load logwood

in the Bay of Honduras, and, returning with their cargoes to Boston, transported them thence to Holland, Hamburg and the Straits. As the logwood exported from Great Britain had to pay a duty of 20s. a ton, that transported direct from the Plantations could undersell it, and Cumings therefore proposed that the colonial trade in dye-woods should be prohibited (439).

The Board of Trade fully realised the unpleasant fact that the interest of the Northern Colonies clashed with that of Great Britain in regard to foreign trade. In their considered memorial on the sugar trade they set out the idea in unmistakable terms. "If the Plantations in general were restrained from exporting any commodities whatsoever in their own shipping to foreign markets in Europe, excepting fish, the dependence of our Northern Plantations, who are at present very powerful in shipping, whose produce is much the same with our own, and whose trade and interest too much interfere with ours, would in all probability be more firmly secured to us; for, as the law now stands, the Northern Colonies do carry on a considerable trade to foreign ports in Europe with lumber, coin and fish which gives them too great an intercourse with foreigners and puts them under a temptation of furnishing themselves with many commodities from abroad which they ought only to receive from Great Britain. (291, p. 179).

Smuggling
and illicit
trade.

The long letters of the Duke of Portland contain many passages concerning his difficulties in enforcing the Acts of Trade, especially in consequence of the large amount of illegal trading carried on by the Northern Colonies with the French sugar islands. Jamaica was at the very centre of the whole trade system of the West Indies both licit and illicit, and the references in Portland's despatches are too numerous and too lengthy to summarise. Bermuda was merely a centre of practical smugglers who served the contraband merchants of New England and Jamaica for wages and got very little share of the profits. In one of his reports Lieutenant Governor Hope of Bermuda gave a summary view of the extraordinary little community over which he ruled. "What the nature of the illegal trade may be, is impossible to give an account of; for it has always been the policy here to wink at these practices,

Bermuda
Smugglers.

for a reason commonly and strongly urged by the inhabitants, viz. : that if such things were not allowed, they could not subsist, and that if the laws on this head were strictly put in execution, the consequence would be that many of the inhabitants would leave the colony. . . . It is certain that without the connivance of the Governor and collector no illegal commerce can be carried on [in Bermuda] that can be prejudicial to trade. For in matters of consequence, it is their interest to do their duty ; and as for the small smugglers, it is a question whether or not, if put a stop to, the profits arising would defray the expense of the Officers. . . . There is not a man in all [the] islands that would give information of an illegal practice in trade, were he sure that his third of the seizure would make him the richest man in the country. And the reason is very plain, for there is not a man in the country but who is guilty, as far as lies in his power." (13 i). Bermuda was, in fact, one of the most notorious leaks in what was designed to be a watertight commercial system, but was in reality at this period in many respects a sham.

§ II.

THE AMERICAN COLONIES.

The lesser
Continental
Colonies.

Some of the smaller of the Continental colonies do not appear very much in the correspondence. Rhode Island was still discussing with Connecticut the question of their mutual boundaries (48) (*Cal. St. Pap., Col. 1722-3*, Preface, p. xvii), and defending itself against charges of leniency towards pirates (3). New Jersey usually appears only in connection with New York in the letters of their common Governor, William Burnet.

New Jersey.

In January 1724 he was ordered to proclaim a redistribution of seats for the election of Representatives for the Assembly of the Colony on the same lines that he had suggested three years before (to discourage their turbulent spirit (*Cal. St. Pap., Col., 1720-1*, p. 378). After full consideration (see *Cal., 1722-3*) the redistribution was now carried out by means of an additional instruction to the Governor (7, 39) giving details of the new

New
Hampshire
and Naval
Stores.

constituencies. Much of the difficulty arose because of the differences between the Quaker interest and the contrary party who were nearly equal (808). Lieutenant Governor John Wentworth in New Hampshire was closely interested in the preparation of naval stores in that province, for he held in addition the office of Deputy Surveyor of Woods. In December 1723 he informed the Board of Trade that a number of the principal men in New Hampshire and some of those associated with the government of Connecticut Colony (180 in all) were desirous of setting up a New England Company for raising naval stores, as hemp, pitch, tar, turpentine and all sorts of lumber (*Cal. St. Pap., Col.*, 1722-3, p. 424). The proposition was referred by the Lords Commissioners of the Admiralty to the Board of Trade in February 1724, (45 i), but in the following January Governor Wentworth wrote to say that the project had been hampered by the Indian war and had lost Governor Saltonstall of Connecticut who had been forward in the affair (476, p. 307).

For 60 or 70 years New Hampshire had provided the greater part of the masts contracted for by the Crown, and the Deputy Surveyor of Woods reported that it was still capable of doing so, if due care were taken to preserve the timber. But much of the best ship timber was exported to Portugal, and the collectors of customs could not stop the ships, as there was no law against exporting timber to foreign parts. The inhabitants maintained that since the late Act of Parliament,⁽¹⁾ the King had no right to any woods in their delimited townships and refused to allow the Surveyor to examine them for suitable timber for the Navy. (352).

The Indian war was seriously impoverishing the Province, and all the towns except Portsmouth and Newcastle were in close garrison with men, women and children crowded all together. A full tenth of the whole population was constantly on duty. (360).

The Indian
War.

The war with the Abenakis or Eastern Indians, usually known as 'Ralé's War,' which had been declared by Governor Shute of Massachusetts on 25 July 1722 (*Cal. St. Pap., Col.*,

(1) 8 Geo. II, c. 12.

1722-3, no. 242 i), had been dragging on for nearly three years when Lt. Gov. William Dummer in March 1725 wrote to the Board of Trade to warn them once more against the specious complaints of Mons. de Vaudreuil, the French Governor of Canada. In order to obviate any complaints that might be made by those whose conduct was exciting and supporting the Indians in the war and drawing down many tribes to their assistance with whom our colonists had no concern, Dummer advised that the French should be rather put upon offering an apology than lodging a complaint, (558, p. 352). Notwithstanding the advantages lately gained over the enemy, the expense of the war was so great and insupportable to Massachusetts that the Province was faced with inevitable ruin. (558, p. 351).

Massachu-
setts.

Such representations were nothing new, for in December 1723 the Governor, Council and Representatives of the Massachusetts Bay had presented a long Address to the King giving a narrative of the course of the war down to that date and setting forth their grievances against the French. (*Cal. St. Pap., Col.*, 1722-3, no. 805 and evidence inclosed). An attempt to secure the help of the Six Nations was made in 1724 when deputies from Boston together with Commissioners appointed by Governor Burnet met representatives of the Iroquois in conference at Albany. The Indians promised to send envoys to the Abenakis to persuade them to make peace and to threaten war if they did not agree. (315).

Unfortunately, however, Burnet had to report that their promises proved ineffective because of the fear among the Six Nations and those who traded with them that the trade with the far Indians which went up the Champlain route would be at an end if war began. (392). The end of the negotiations was a total refusal of the Iroquois to engage in the war or to allow their young men to enlist as soldiers in the service of Massachusetts, and Burnet informed the Duke of Newcastle of this in December, 1724. (410).

In June 1725 the Massachusetts men returned to the charge and forwarded another lengthy address to the King praying him to move the Governor of New York to use his interest with

the Six Nations "of Marquois" to join with them against their Indian enemy. (674, pp. 398-400).

The Lords Justices directed Mr. Delafaye to send this Address to the Board of Trade for their report (733), and a fortnight later they returned a clear and reasoned statement upon the war, its causes and conduct, and the French intrigues with the Indians. The Board recommended that letters should be sent to the Governors of New York, Connecticut and Rhode Island to engage their respective Assemblies to contribute to the assistance of the people of New England in proportion to the regulation formerly made for the mutual defence and support of the Northern Colonies by King William III, which regulation was still continued in H.M. Instructions to the Governor of New York. The Board also supported the idea of making fresh efforts to engage the Indian Nations to enter heartily into the war. (755). The result had not appeared before the end of the year.

Nova Scotia.

The war not only affected the Massachusetts men who were attempting to build up settlements in Maine, but also the English in Nova Scotia who complained against the intrigues that were being carried on by Monsieur St. Ovide de Brouillan, Governor of Louisbourg in Cape Breton Island (Île Royale). Lt. Gov. Dummer informed Colonel Armstrong, Lieutenant Governor of Nova Scotia that the Indians were inclined to sue for peace, and in consequence the latter appointed two members of his Council, Major Paul Mascarene and Hibbert Newton to go to Boston and act as Commissioners on behalf of the Province in the peace negotiations with the Indians, lest by a separate peace Nova Scotia might be left alone to face their fury. (718, p. 414). Their Instructions and the Articles to be demanded of the tribes were arranged by the Council at Annapolis Royal (718 vi, vii), and were forwarded to the Secretary of State together with those given to Hibbert Newton and Captain Bradstreet, who had been sent to Louisbourg to protest against the supply of arms and munitions to the Indians. (718, iv, v).

Negotiations
with the
French.

Governor St. Ovide replied that he would join in any measures to prevent the supply of arms by French subjects contrary to the treaties of peace, but it was the custom of the King of

France to send presents every year and he could not stop it. The only way of redress was for the English Government at home to represent the matter to that of France. (718, viii). Colonel Armstrong informed the Lt. Governor of Massachusetts of the results of his representations to the French, and, in order that the Home Government might have full evidence to be sent to the Ambassador in Paris, both he and Gov. Dummer prepared dossiers. These dossiers are complementary and they are calendared here. (718, 718 iv-x for Nova Scotia; 740, i-xxxi for Massachusetts). In addition to evidence about the depredations of the French and Indians the Massachusetts dossier also contained papers to prove the right of Great Britain to the lands between New England and Nova Scotia. It is to be remarked that the protests of Massachusetts against the French intrigues were addressed to Monsr. de Vaudreuil in Canada, while those of the Governor of Nova Scotia went to the Governor of Louisbourg as to an independent command.

The evidence contained in the dossiers was summarised by the Board of Trade and sent on to the Cabinet in their report, which has already been mentioned. (755).

Internal
affairs in
Massachu-
setts.

The internal affairs of Massachusetts during the period were as troublesome as usual. The dispute between the two Houses of the Legislature over money bills has already been referred to. The Surveyor General of the Northern Continent of America [i.e. of the Customs] forwarded through the Commissioners of Customs to the Treasury a complaint of the Comptroller of Customs at Boston concerning a riotous assembly in that port. A ship entered at Boston from Lisbon ostensibly with a cargo of salt was informed against as having landed wine and oil illicitly at Piscataqua without reporting them. The whole of the crew were cited to appear before the Vice-Admiralty Court, but only two appeared, and they were riotously affronted by certain merchants and others. The Comptroller had to apply for protection for them, but as soon as the Judge had left the Court, some merchants and masters of ships in a violent and "mobbish" manner assaulted the said evidences, kicked and pushed them downstairs and beat one of them so

unmercifully that he might have been killed if the sheriff had not taken him into his house. They threatened to use the Judge of the Court and the Officers of the Customs in the same manner, in case sentence was given against them, and the Commissioners now prayed for proper precaution for their officers who were constantly insulted and abused in the execution of their duty in New England. (141). The Boston riots of the 1770's were thus nothing new, but had been anticipated fifty years before.

Quakers. The Massachusetts Assembly was still impenitently anxious to differentiate against the Quakers, and the Board of Trade had to advise the Crown against an Act of the Legislature apportioning and assessing a tax laid in express terms upon the inhabitants of Dartmouth and Tiverton for the support of a Presbyterian, whom they called an Orthodox minister. There were hardly any but Quakers in those towns, so that the Act was a denial of the just and equitable rule laid down in the Charter of the Colony that the majority of each town or congregation should have the choice of their own minister. (163, 198).

Pennsylvania. The yearly meeting of "the Protestants called Quakers" of Pennsylvania forwarded to the King a humble address of thanks for his consent (555) to the Act of the Legislature prescribing the forms of declaration, adjuration and affirmation instead of the usual forms of oath. "This benevolence of our King in a matter which so nearly touches the conscience makes deep impression on our hearts beyond words," they wrote. (731). The Attorney and Solicitor General in September 1725 delivered their voluminous report on the Address of the Independent Ministers in New England for holding a Synod which has been printed elsewhere. There are many papers showing the progress of the matter. (739, 739 i-xi).

New York. The letters of William Burnet, Governor of New York and New Jersey, are very voluminous, and they show what an important office that Governorship was and how much business fell upon his shoulders. They leave an impression of sagacity and diligence which do honour to the memory of the son of the great Bishop. They have already been referred to in connection

with the question of the Auditor General's fees, the paper currency and the negotiations with the Iroquois concerning the Abenaki War. The promotion of trade with the Six Nations and the Indians of the far interior continued to engage the attention of the Governor and the Assembly, and have been referred to in detail in the Prefaces to earlier volumes (Preface, *Cal. St. Pap., Col.*, 1720-1, p. xxx ; 1722-3, p. xxviii). The merchants of London trading with New York protested to the King against the continuance of the Act of 1720 prohibiting trade between the inhabitants of New York Government and the French of Canada, which they maintained to have been very pernicious to British trade in general. (145 i). They stated that the price of all Indian goods had been raised by 25 or 30 per cent. since the passage of the Act and the trade largely transferred to French hands. (145 i). However, the Act was permitted by the Crown to continue until the end of the year 1725, while fresh consideration was given to the question. (409, 652).

The development of the frontier policy which Burnet had worked out in 1720 (*Cal. St. Pap., Col.*, 1720-1, Preface, pp. xxviii-xxx) in conjunction with Robert Livingston, his Secretary for Indian Affairs, hung fire in face of the troubles of the Indian war and his despatches during 1724-5 do not contain the broad surveys of policy for which some of those of 1720-1 were notable.

Virginia and
North
Carolina
boundary.

The boundary between Virginia and North Carolina had never been delimited, though a proposal for the appointing Commissioners to undertake the running of a line of demarcation had been agreed upon by the Governments of both Colonies as far back as 1715. North Carolina was now anxious to carry that intention into effect, and the Governor feared that this might be a partial attempt by the people of that Colony to establish their own boundaries without the King's permission. The Lt. Governor of Virginia (Lt. Col. Drysdale) urged a settlement of the matter without further delay, for there was a large tract of debateable land lying waste, which would soon be taken up and settled if an agreement could be reached. (258, 636). The Board of Trade had tried to get an answer

from the Lords Proprietors of Carolina in 1717 and again in 1723 (*Cal. St. Pap., Col.* 1722-3, no. 746), but in November 1725 they were still without a reply (712), and no answer had been received before the end of the year.

The fear that the people of North Carolina might take matters into their own hands regardless of the proper authorities was no idle one.

North
Carolina.

The Colony appears only infrequently among the papers, and then but as a very disorderly community. The Deputy Governor and the Chief Justice (who was also Chief Collector of Customs) were in violent conflict over seizures of Boston ships accused of violating the Acts of Trade, and the Governor threatened his opponents with actual physical violence, tried to break into his house and burn it, and, when he failed, smashed its windows (486). When the two chief officials in the Colony were thus prone to violence, the fact that North Carolina had a bad reputation as a harbourage for pirates is readily explicable.

Virginia.

Virginia was generally prosperous and was rapidly expanding. There was a considerable increase in the roll of the Crown's quit-rents, much new land was petitioned for in Council and there were many preliminary applications for land to be taken up in future years. We have these facts only upon the authority of the Lieutenant-Governor, who may have adduced them in support of his own government, but they could easily be checked by the Board of Trade, and appear to have been reliable evidence of an increasing Colony and a growing revenue. (636, p. 380).

Colonel Alexander Spotswood, the energetic but domineering Lieutenant-Governor who had been superseded by Hugh Drysdale in 1722, had retired to the two new frontier counties which he was striving to develop with the aid of newly introduced German settlers. But he was still an object of hatred to his many enemies, and he complained bitterly to the Board of Trade of the credence which his successor gave to the calumnies of his own dismissed servants. He was accused of taking unduly large grants of land in other men's names in the new counties, and his long letters of defence give valuable information as to what was going on in the remote forest-clad regions into which American westward expansion was pressing

forward. Col. Spotswood included among the services he had rendered the work he had done in exploring "the Passes through the Mountains." (206, 210, 210 i).

Bahamas
and South
Carolina.

The fierce quarrels which raged in the Bahamas and South Carolina and which were referred to in the previous volume (*Cal. St. Pap., Col., 1722-3*, Preface, pp. xiv-xvi) were somewhat lulled after the death of Colonel Rhett, the chief opponent of General Francis Nicholson, the Governor. Nicholson had long been petitioning the Crown for leave of absence to come to England and defend himself before the Board of Trade against the charges of tyrannical conduct that had been levied against him. It was not until September 1724 that his desired leave of absence for six months was granted (365), and he could not avail himself of it until the summer of 1725. In November the Board of Trade took up the matter formally (*Journal*, pp. 202-5), the evidence was collected, and Governor Nicholson was asked to attend. The long list of papers recorded in the *Journal* shows which of the papers included in this and earlier volumes of the Calendar were taken into consideration by the Board. Nicholson was able to show that the charges against him were baseless, and he was continued in his Governorship.

Boundary
disputes with
Spain.

The Spaniards continued their protests against the building of Fort King George on the River Alatamaha, which they claimed to be within Spanish territory (see *Cal. St. Pap., Col., 1722-3*, Preface, p. xvii), and the Governor of Florida sent envoys through the English settlements overland to make complaints that attempts were being made by our officers on the frontier to seduce the Indians from allegiance to the King of Spain. Governor Nicholson informed the Spanish Governor at St. Augustine that he would not receive messengers sent overland and that all further communications must be made by sea. (81 x, xi b). He forwarded to the Board of Trade a report of a Committee of both Houses of the Legislature of South Carolina and various papers to support it and maintain the English claim (81 and enclosures 81 i-xii, 722). Finding it impossible to obtain satisfaction by the protests of her minister in London, Spain showed herself willing to negotiate, and in June 1725 Governor Nicholson (or the Acting-Governor taking

his place during his leave of absence in England) was directed by the Duke of Newcastle to enquire jointly with the commissioners whom the Governor of Florida had been ordered to appoint so as to further an amicable delimitation of the frontier. (650, 722).

The Lords Proprietors entered into agreement with Pierre Purry of Neuchâtel, formerly Director General of the *Compagnie des Indes* to transport 1200 Swiss Protestants, mostly from Canton Berne, to settle in the southern part of South Carolina. 600 were to be taken in the autumn of 1725 and the remainder within three years, and the Lords Proprietors agreed to defray the cost of their transportation; and they also agreed to refrain from charging them with any quit-rents for three years and then only 300*l.* for 24,000 acres (205, 656, 660, 685).

Nova Scotia.
The Canso
settlement.

The connection of Nova Scotia with the Indian war and the difficulties caused by the French garrison have already been referred to. The Colony was still much neglected, and there were very few English settlers, save about Annapolis Royal. Governor Philipps forwarded a full and interesting description of the Province and made suggestions concerning the French refusal to cede the full area of Acadia according to the provisions of the Treaty of Utrecht (69). Since this could not be obtained, an English fort had been erected at Canso near the isthmus and efforts were being exerted to build up a colony round it, and make it the base of a new fishery. Those efforts were not succeeding, in part owing to the hostility of the fishermen of New England, and the scheme of the commander of the garrison, Major Alexander Corby, to regulate the fishery according to the practice of Newfoundland were resented (401 and enclosures i-vi). A Council of fifteen of the "most knowing" men in the place was nominated to decide all controversial matters. They met and chose their Clerk and Constable and drew up 17 Articles of Rule and Government, which are of considerable interest for comparison with the primitive form of self-government prevailing in Newfoundland during the winter in the absence of the Naval Governor (401 vi). They may also be profitably compared with the later Laws of Admiral Burnaby for the logwood-cutting settlements of Belize.

Newfound-
land.
Placentia.

On the opposite side of Cabot Strait was the embryo English settlement at Placentia where there were constant disputes between the fishermen, the settlers and Lieutenant Governor Gledhill. He complained that the first letter he had ever received from the Board of Trade reached him in June 1724 (699), although the Board had certainly written to him in the previous year (*Cal. St. Pap., Col. 1722-3, No. 632*) ordering him to observe strictly the Instruction given to the Governor of Nova Scotia that the garrison of Placentia were not to concern themselves at all in the fishery. A different policy was being pursued at Canso from that at Placentia.

Articles of
Association
at St. John's.

Three of the reports forwarded annually by the Naval Governors of Newfoundland in answer to the customary Heads of Enquiry of the Board of Trade are contained in this volume (1, 373, 757) and give much information about the carrying-on of the fishery, but there is in addition an interesting document (59), "the writing whereby the majority of St. John's entered into community." The Act of Parliament for the regulation of the Fishery made no provision for the security of such as remained upon the island from a multitude of men of desperate fortunes. The Minister, John Jago, the merchants, factors, principal inhabitants and housekeepers or masters of families, being a majority of St. John's, therefore agreed to enter into an association and embody themselves into a community for the mutual preservation of the King's peace during the winter until the arrival of a British fishing vessel in the harbour. They began by a long quotation from Locke's *Essay on Civil Government*, showing that "the majority have a right to act and conclude the rest" for the mutual protection of all. That Locke should be read and studied in a community so specialised as that of Newfoundland is perhaps worthy of remark.

§ III.

THE WEST INDIES.

Jamaica.

In August 1723 the Commissioners of Trade and Plantations were ordered by the Privy Council to enquire into the legal position that would arise in Jamaica when the Laws of the Island expired on 1 October 1724; what laws would remain in force after that time, upon what footing the government of the island would stand and in what circumstances the inhabitants would remain in relation to their dependence upon the authority of the Crown. (*Cal. St. Pap., Col., 1722-3*, no. 675). The very difficult constitutional questions involved were put to the Attorney and Solicitor General at once (*Journal*, pp. 43, 44, 45), but it was not until May 1724 that they were able to deliver their report, which is of great interest for colonial constitutional history. (182, pp. 95-8). The report involved so many important points that they required time to consider, and the Board first debated it at the end of July (*Journal*, pp. 104-5). It was clearly impossible to reach any permanent decision before the laws expired at the beginning of October, and the Duke of Portland was therefore ordered to procure from the Assembly of Jamaica the passing of an Act continuing for one year the Revenue Act passed in the year 1703 and the several laws depending thereon. (311, 6 August, 1724). The order arrived in Jamaica in the nick of time to prevent the whole governmental system of the island falling into chaos (p. 393), but the bill for raising an additional revenue that was passed by the Assembly was found by the Board of Trade to be entirely unsatisfactory, since it would not produce sufficient to pay for the troops necessary for Jamaica's safety or to discharge the debts already contracted by the Government. (510). By a clause added to the bill the Assembly demanded the general confirmation of all the laws in force in Jamaica with a few exceptions, and this cast upon the Board the necessity of examining those laws in detail to avoid a perpetual confirmation by oversight of some law of temporary validity only, that might be detrimental when

confirmed in perpetuity. (510, p. 330). The Board therefore classified all the Acts of Jamaica into two divisions and sent a detailed report on each of them to the Duke of Newcastle advising that some should be continued and some certainly disallowed. Their remarks show what a lack of care and forethought characterised the work of the Assembly and how necessary it was for a careful examination of their measures to be undertaken by the Board and their legal advisers in England.

The malcontents in the Colony took advantage of the difficulties, with which the Governor had to contend, to fish for complaints against him and to obstruct all public affairs so that it was not until the very last day on which the continuation Act would run out in 1725 that the Assembly passed another Act continuing the laws for a further year. (810, 810 ii). No solution had therefore been reached during the period covered by this volume.

Barbados.

The troubles of Governor Worsley in Barbados over the Excise Act have already been referred to, and his difficulties with Captain Cooper, the naval commander on the station have also been mentioned. Samuel Cox, the President of the Council, against whom such serious complaints had been raised for his proceedings while administering the Government in the interim before Governor Worsley's arrival (*Cal. St. Pap., Col., 1721-2*, Preface, pp. xlvii-xlix; *1722-3*, Preface, pp. xl-xli) had been dismissed in July 1723 for arbitrary and corrupt conduct and declared incapable of ever again holding office (*Cal. St. Pap., Col., 1722-3*, nos. 648, 648 iii). In the autumn of 1724 he went off, nobody knew where, but it was supposed for Maryland, in a vessel of his own, and carried away several debtors, neither he nor they having set up their names in the Secretary's office, nor taken proper tickets to go off as the law directed (381). Barbados was certainly more peaceful after the departure of the unworthy Councillor who had made so much trouble for years, and late in 1725 Governor Worsley reported his death. (751).

Leeward
Islands.

Governor Hart of the Leeward Islands had much difficulty in securing a proper appropriation from the Assemblies of the various islands for his salary as was shown in the previous volume (*Cal. St. Pap., Col., 1722-3*, Preface, pp. liv-lvii), and the controversies still dragged on. They do not, however, fill so large a space in the despatches from the islands, and they are of less interest than the descriptions which the Governor forwarded of the state of affairs in the smaller islands in his government. He undertook frequent tours from his usual place of residence in St. Christopher. He recommended to the Council and Assembly of Antigua the revisal of their laws and the placing of that island in a proper state of defence, for he was certain that in case of a war the French were so powerful in the islands of Martinique and Guadeloupe that nothing but a good and soundly based naval force could protect the Leeward Islands from an invasion from thence. (82, 82 i).

Antigua.

By his Instructions the Governor was commanded to make the Island of Antigua the chief place of his residence, but the Council and Assembly would not make proper provision for his support or even for a house although the island was in a flourishing condition and free of debt. Hart therefore desired the removal of the instruction, so that he might centralise his government in St. Christopher, the population of which was rapidly increasing and whose people he found of a peaceable and industrious disposition. (82, 260, 260 viii, p. 151, 516, p. 339).

St.
Christopher.
Pirates.

On his arrival in St. Christopher, Hart had found sixteen pirates awaiting trial, and set up a Court of Admiralty at the town of Old Road, which he decided to make the constant place for holding Courts as being the centre of the island. Previously the Courts had been held alternately on the windward side of the island, which had proved very inconvenient, as there was no suitable place of accommodation there and there was danger in carrying the papers and records about (253). Three of the men were found not guilty and two of those found guilty were pardoned, for it was proved that though they had been whipped twenty-six times, they could not be prevailed upon to sign the pirates' articles. The rest were hanged. They had been with

one, Lowe, and by the confession of his quarter-master just before his execution they had committed fearful crimes. In the Bay of Honduras Lowe murdered forty-five Spaniards in cold blood, and a little before he committed great barbarities on a Portuguese ship bound home from Brazil that he captured. The master of that ship had hung 11,000 moidores of gold in a bag out of the cabin window, and, as soon as he was taken, he cut the rope and let them drop into the sea. For that Lowe cut off his lips and broiled them before his face, and afterwards murdered the whole crew, numbering thirty-two persons. Governor Hart affirmed that a greater monster never infested the seas and offered by proclamation a reward, even with pardon to his accomplices, to anyone who should bring him in alive or dead. (102, 102 i-iii).

The Lesser
Antilles.

In reply to a series of queries addressed to him by the Board of Trade (103) Hart forwarded a memorandum which is of interest as giving a comprehensive picture of the situation and trade in the Lesser Antilles, where English, French, Danes and Dutch were all competing for the traffic of the Spanish Main. The Dutch islands of St. Eustatia and Saba, both small and barren, had very few inhabitants, but the Danes of St. Thomas were very active. In the last war the good harbour there, being neutral, was much frequented by the French privateers who lay there to intercept the Jamaica trade and to infest all the Leeward Islands. The Danes were planning to seize St. Johns, and Governor Hart called upon them pre-emptorily to withdraw, as that island was British (260 i-vi). They refused to acknowledge this, and he again appealed for permission to eject them by force since the island would be a serious menace to the Jamaica trade, if war occurred, and it were in enemy hands (255). If it were occupied by Great Britain, it would afford opportunities for checking commerce between the Spaniards and the French, which by reason of the trade winds must go near that port. (p. 144). The correspondence between Hart and the Danish Governor must have been very tedious, for the latter wrote in Danish, which no one in St. Christopher could read, and the letters had therefore to be sent to England to be translated (p. 144) (658 i-ii).

These representations were sent on to the Secretary of State, but no further action was taken. Similar disputes might occur in regard to Crab Island and Santa Cruz, which two islands Governor Hart wished to occupy, for in his opinion they were capable of making as much sugar as Barbados and the Leeward Islands together.

Montserrat
and Nevis.

Montserrat and Nevis were being seriously depleted by the migration of the inhabitants to occupy the ceded French lands in St. Christopher (260 viii, p. 151) and there can be no doubt that they were ludicrously over-governmented. The Lieutenant Governor of Montserrat, Paul George, when he wrote to congratulate the Duke of Newcastle on his appointment, complained that, whereas he formerly imagined that West India Governors were petty kings, he had found it very much to the contrary "being among a set of people who are one half Roman Catholics and near the other half Jacobites. I leave your Grace to imagine how welcome I am amongst them, *comme un chien dans un jeu de quille*." "The whole perquisites (or *le tour du bâton*) of the Governor doth not amount to 40 pistoles per annum." (256 i).

George was determined not to lose any chance of preferment, if it was to be had for the asking, and he begged Temple Stanyan, the Clerk of the Privy Council, to further his interest with the Duke of Newcastle so that he might visit his father "in whales." "Suppose," he wrote, "a good card should turn up trumps for me, such as a good widow with much cash, then I should be desirous to make the best of my way for England to make interest for the disposal of my Government, and with an addition to the produce thereof to purchase some majority of dragoons or Lt. Col. of foot." (256).

Montserrat was in fact a very small community with a number of white men not exceeding 400, two-thirds of whom were, according to the Governor, justly excluded by law from any share in the Government, being Papists. There was therefore only a very narrow choice for the recommendation of Councillors, and the government of the island rested in the hands of a narrow clique of relations of the President. (256).

In Nevis the population was so small and so contentious that Hart repeated the recommendation that he had already made in 1723 (*Cal. St. Pap., Col., 1722-3*, p. 380). He advised that the two Councils and Assemblies of St. Christopher and Nevis should be merged, so that there was a single legislature for both islands, and the Board of Trade replied promising to consider the recommendation with care, as it involved so material an alteration in the constitution of the islands (179). The Governor kept on pressing the matter in later letters, but no final decision was reached before he was summoned back to London in consequence of his dispute with the patent officers which has already been mentioned.

Bermudas. In these petty communities with their incessant and violent wrangles the similarity of conditions is striking. Just as Governor Hart found the Leeward Islands over-provided with machinery, so Lieutenant Governor Hope remarked upon the incapacity of the Bermuda legislature to understand the business laid before it. An Act to lessen the number of the Assembly from 36 to 18 had been passed in 1723 (*Cal. St. Pap., Col., 1722-3*, nos. 740, 741), and the Lieutenant-Governor strongly pressed for its confirmation. It was scarcely possible to get as many as 36 men upon the island at one time who were really capable of understanding what public business was, and the manner of paying them by a parochial tax was a heavy burthen on the poorer sort of people, who were really able to bear none. The little colony, too, was in danger of falling under the vexation of religious differences, for two-thirds of the Assembly happened to be of an opinion different from what all the Councillors and all those in power professed. The first were zealous for Liberty (and particularly) of conscience, and the latter for the Church, but few of either the one party or the other knew anything of the reasons why they differed, except the three parsons and the Dissenting minister (*ibid.*, no. 741). The General Assembly was constituted by the free election of the inhabitants called Freeholders; there were nine parishes, each sending four representatives, but when the Assembly was summoned, it was impracticable to keep them together longer than three

days, else their families would starve for want of fish, and their negroes would turn loose. Of the 36 members, perhaps most of them could read or write; but there were not more than six who had any manner of notion of public business. Governor Hope rightly characterised the situation as mean and ridiculous, but it was characteristic of the superfluous amount of political machinery in the smaller colonies (97). The people esteemed as their greatest good was what they called "a maroon life," which was "wandering from one uninhabited island to another in their sloops, fishing for wrecks, trading with pirates, and living not like animals that are imbued with reason." The leaders were men worthy of respect, who had visited most parts of the trading world as commanders of vessels, but when the Assembly met, their influence was small, and the Governor left the Board of Trade to imagine what were the effects "produced by rum punch" in an Assembly of 36 men such as he had described. (97, p. 69). However, despite these representations no immediate action was taken.

Berkeley
College.

Bishop Berkeley (then Dean of Derry) presented a petition to the King praying for a Charter to erect a College (to be named St. Paul's College) in Bermuda for students who should aid in propagating the Gospel "among the savage Americans" and supply the churches in the Plantations (328). The petition was commended by the Duke of Newcastle to the Bishop of London and the Board of Trade (505, 506 i); after discussion with the Dean, they all returned favourable replies. (519, 519 i, 540. *Journal*, p. 152). The warrant to the Attorney and Solicitor General for preparing the Charter (586) has the details of the scheme attached (586 i), and it went forward in due course. The Patent was sealed in June 1725.

Bahamas.

The Bahamas were still in a very disorderly condition throughout the period, and most of the despatches from the islands were concerned with the depredations of the Spaniards from Cuba and the ravages of the pirates. The lease of the Proprietors had still fifteen years to run, but they had got their affairs into such disorder and had done so little that their renewed petition for the grant of a Charter of incorporation

(see *Cal. St. Pap., Col.*, 1722-3, no. 737) was passed over without formal reply (155). Governor Phenny had been ordered by the Board of Trade to draw up an electoral scheme for an Assembly for the islands, such as had been petitioned for by the inhabitants (see *Cal. St. Pap., Col.*, 1722-3, Preface, pp. xxxviii-xxxix). This he had submitted at the end of 1723 (*ibid.*, no. 801), and he again referred to it in his first letter of 1724 (no. 2), but no action was taken upon it by the Board, and as late as 1728 the inhabitants were still complaining of their lack of an Assembly. (*Journal*, 1723-8, pp. 423, 426).

At the end of October 1725 the Duke of Newcastle sent a circular letter to the Governors of all the Colonies informing them that the King had granted letters patents to William Wood for the coining of half pence, pence and two pences of the value of money of Great Britain for the use of H.M. Dominions in America with such additional value as was customary according to the rate of exchange. In accordance with a clause in the charter they were directed to aid Mr. Wood in the due execution of his privilege. (764). "Wood's halfpence" owe their celebrity to their effect on Irish politics and the attack upon them by Dean Swift in *The Drapier Letters* (April-December, 1724), but the result of the order to circulate them in the Colonies had not appeared before the close of the period covered by this volume of the Calendar.

Wood's
Halfpence.

ARTHUR PERCIVAL NEWTON.

CORRIGENDA.

- p. 93, No. 179, 13 l. from end. Read "8th March 172 $\frac{1}{2}$ to 27th September 1722."
- p. 144, *ad med.* For "commnads" read "commands."
- p. 204, 1st l. For "unfit" read "fit."
- p. 255, No. 373, l. 9. For "C.S.P., 1723, Nov. 26" read "No. 59."
- p. 256, 1st l. For "Captaius" read "Captains."
- p. 305, No. 475. For "due to him" read "due to James Moore."
- p. 317, No. 486 ii, last l. For "1724(5)" read "172 $\frac{4}{5}$."
- Index.* p. 516. Under "Dummer, Jeremiah" delete "letter from, 558."
- Under "Dummer, William" add to "letter from"—
"558."
- p. 542. Under "Newfoundland, Heads of Enquiry for—reply to" add "No. 1."
- p. 546, l. 4. Under "New York. Speaker" for "Philipps, A." read "Philipse, A."
- p. 554, 2nd. col., l. 6. Read "ship captured by pirates."
- 2nd. col., l. 8. Read "pirates, deposition of."
- p. 555, 2nd col., *ad med.* After "Court of Vice-Admiralty, Judge of. See Menzies, John" add "Proclamation by, 3 and see Cranston, Samuel."
- p. 558, 1st col., ll. 17-18. Delete "*St. Christophers*, sloop, case of."

COLONIAL PAPERS.

1724.

- Jan. 2. 1. Commodore Cayley to the Council of Trade and Planta-
Dover in tions. Encloses following. *Signed*, T. Cayley. *Endorsed*,
Cadiz Bay. Recd. 22nd Feb., Read 6th March, 1724 $\frac{3}{4}$. $\frac{1}{2}$ p. *Enclosed*,
 1. i. Answers to Heads of Enquiry relating to the Fishery
 and Trade of Newfoundland, 1723. *Art.* (iii) No
 balast thrown overboard to the prejudice of the
 harbours. (iv) Most part of the flake timber is burnt
 by the inhabitants in the winter. (v) Several com-
 plaints (as to engrossing flakes and infringing the rules
 of the Fishery) made, but relieved by the Commanders
 of H.M. ships. (vi) No complaint. The fishing
 ships leave all for the benefit of the next comer.
 (vii) No complaint. (viii) The by-boat keepers hiers
 room from the inhabitants for making their fish.
 (ix) The by-boat keepers do not bring certificates
 with them, neither are they qualified with green men.
 (x) The inhabitants do not employ the number of
 green men being very chargable to bring them over.
 (xi) No complaint. (xii) No woods destroyed but
 for the use of the Fishery. (xiii) No complaint.
 (xiv) The Admirals give an account to the Commanders
 of H.M. ships (of the ships and men employed in their
 harbours). (xv) Persons aggrieved by the judgment
 of the Admirals, appeal to the Commanders of H.M.
 ships. (xvi) They sell more liquor on the Lord's
 Day than any other. (xvii) No aliens have any
 trade. (xix) The country produces but very little,
 they have most of their provission from Ireland and
 America. (xx) The inhabitants are supplied with
 tackle, cloathing *etc.* from Great Britain and not
 otherwise. (xxi) They allow their servants from
 £8 to £12 per annum and pay them in fish. (xxii)
 The charges of one boat amounts to £150. (xxiii)
 The servants are wholly employed in the Fishery.
 There is no difference in the prices of fish caught by
 the inhabitants and the fishing ships and by-boats.
 (xxiv) They employ their servants in the winter in
 fetching timber for the next year's fishing. (xxv) No
 furr's taken but at Bonavista and to the No'ward of
 that place. (xxvi) There is no obstruction by the

1724.

houses. (xxvii) The inhabitants lay claim to no stages, cook-rooms *etc.*, but what they possessed before 1685. (xxviii) Flakes are estimated according to the ancient custome and allow ten flakes for one boat about 150 ft. each in length. (xxix) The inhabitants' rooms are butted and bound. (xxx) The fishing ships provide themselves with necessarys from England, except salt. (xxxi) No ship arriving from any foreign part admitted to be Admirals unless cleared out of England that year a fishing ship and complied with the Act. (xxxii) No boat keepers put in possession of any ships rooms. (xxxiii) The boat keepers go home every fall, and at their return next year hier room of the inhabitants. (xxxiv) The fishermen are generally hired by the voyage from £12 to £16 the season. The charge of such a ship (100 tons with 50 men and 10 boats) amounts to £1100 sterl. (xxxv) No complaint (of illegal trade). (xxxvi) What commodities are disposed on hire in Nfland are expended on the Fishery. (xxxvii) Large quantities of American goods brought here and expended in the Fishery and no such goods exported for Spain. (xxxviii) The merchants of New England dispose of their goods in Nfland for fish and sell it to the sack ships for bills which they remit to their correspondents in Great Britain, the value of goods sold by them amounts to a very considerable value. (xxxix) More publick houses in St. Johns than in all other parts of the land and wholly kept by the inhabitants who seduce seamen and fishermen to spend their wages and by this means are forced to stay behind or go to New England to the prejudice of the Fishery. (xl) The inhabitants usually trust their servants for more than their wages and by that means are obliged to serve them the next year or dispose of them to whom they please. (xli) The by boat men and inhabitants generally pay for their passages out 50s. and home 30s. and pay in fish or train oyle. (xlii) No complaint (of debauching or plundering fishermen by this method of trusting them *etc.*) (xliii) Masters of fishing ships generally carry home the men they bring out, unless those that desert and go to New England or remain here. (xliv) The New England vessels carry off seamen and fishermen, but not by the assistance of the inhabitants. (xlv) Some New Englandmen enter into obligations and they are wittnessed; no ships belonging to New England left at St. Johns after the convoy sails. (xlvi.) The fish caught on the Banks are altogether as good as those caught nere the shore but

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something larger. 10 hhds. of good salt is sufficient to cure 100 quintals. (xlvii) Great number of French ships fish on the Bank. (xlviii) What French inhabitants remain here have taken the oaths, and are supplied with all necessaries from the English and not otherwise. (xlix) The French build hutts necessary for drying of fish to the North, but leave no persons to winter there. (l) No complaint against officers of the garrison at Placentia as to disposing of fishing rooms, beaches etc., or hiring out soldiers to fish. 18½ pp.

1. ii. Scheme of the Newfoundland Fishery for 1723. *Totals*: Fishing ships, 221 (10 from America); burthen, 17,554; crews, 3,365 and 1,367 passengers; boats kept by inhabitants etc., 966; by-boatmen, 1092; quintals of fish made, 139,756; carried to foreign markets, 73,390; train oil made, 801½ tons; seal oil, £6,025; furs, £780; stages, 356; trainfats, 218; number of inhabitants, 3,411, of whom 2,756 remained in the country last year. *Endorsed*, Recd. 22nd Feb., 1723¼. [C.O. 194, 7. ff. 203, 204v.-214, 215v.-216v.]

Jan. 2.
N.
Providence.

2. Governor Phenney to Lord Carteret. By a letter I had the honnr. to receive from the board of trade I had their orders to send a scheme for the forming an Assembly which their Lordshps. allow to be necessary altho' there had been some objections made to it. To which I've answerd that the motive first indued me to request an Assembly was from ye custom of H.M. other Colonys etc. *Quotes his reply to Council of Trade*, Dec. 24, 1723. *Continues*: I hope if my measures are not thought sufficient that others more effectually may be taken to exclude those wicked people who have been the ruin of this place by depriving it of its reputation and continue publicly to dissuade and deter honest men from settling among us; They murmur to see the fort rising into form from a heap of rubbish well knowing it will be a bridle against future enormities their way, and preserve this place from being reduc'd to its former anarchy; some of these men having had an education superior to the common West Indians have art enough to mislead the ignorant, and are generally found at the head of any irregularity; having so far poison'd some especially the women that they call those their good days when fine silks lace and other rich commodities were so plentifully brought in here by the pirate crews. These are sad truths My Lord that I only lay before your Lordship, it being from your wisdom and goodness that I hope redress, that this place so considerable for its situation, and which may prove so in time for its trade, may be securd for H.M. service. I humbly desire your Lordshp.

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will be pleasd to appoint us a Surveyor we haveing great occasion for such an officer to set out the bounds of our plantations, and distinguish our lands. P.S. The ship *Dorothy* being stranded in Sept. last on the edge of the bahama bank bound home from the Honduras the mate got hither from So. Carolina and I sent out and have saved the majr. part of her cargo being logwood, and hope yet to recover more for the legall claimants. *Signed*, G. Phenney. *Endorsed*, Rd. 14th May. 2 pp. [C.O. 23, 13. ff. 157, 157v., 158v.]

Jan. 6. 3. Richard Partridge, Agent for Rhode Island and Providence Plantations, to Sir Charles Wager. I am perswaded the informations against [*Rhode Island*] from Governor Shute and Judge Minzies were taken for granted the same were true without hearing what we had to say in our defence *etc.* First as to the ship *Porto Prince* being piratically employd is utterly untrue, of which I have affidavits by me of persons taken by Roberts the Pirate and who came with the said ship into New England. And there are also several other affidavits to prove that this ship belongd to Flushing in Zealand and was taken by Roberts and afterwards given with her cargo to one B. Norton who brought her into Tarpaulin Cove in the Province of Massachusetts, and when he arrived there conveyd part of her cargo into Rhoad Isld. which very quickly was securd. by means of the Governor of Rhoad Isld's. Proclamation for seizing the same, wch. they took due care of for the interest of the right owners when they should appear, and could by no means judg it safe to part with the effects out of their hands to Judge Minzies to be by him conveyd out of the Colony, looking upon themselves responsible hereafter and to be called to account for the same by the Proprietors whose Agent here in London has declared his satisfaction with our people's management and care and of the Governor's industry and honesty therein and complains very much of the hardship and mismagemt. of the ship and other part of the effects wch. were carried to Boston. The sd. Flushing Agent is Thomas Hyam merch. of this Citty who was empowered to claim the ship and cargo, who accompanyd by the Holld. Ambassador obtained through the Secretary of State, Lord Carteret, H.M. Orders to the several Governors in New England to deliver them up to the Proprietors upon due proof *etc.* The Agent here sent these orders to Governor Cranston constituting him Agent there for the Proprietors and the Assembly in June, 1722 ordered said goods or the value they were sold for to be delivered accordingly. After this comes over the King's second Order, dated in Sept. following, to deliver the sd. effects to Judge Minzies (who by the way is a person of no extraordinary character and very obnoxious to our Governmt.), and if they had been deld. him a great part would have been expended in charges

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and much adoe to get it out of his hands again, as appears by a prosecution lately carried on in Boston by the claimants' Agent in recovering their right in that ship and cargoe which was carried (thither), which last order came too late *etc.* And as to our Governor and Council's being concern'd with the said Benj. Norton or in ye lest with any pirates, is notoriously false, for the matter speaks itself plain in their vindication, for as soon as the rumour was at Rhoad Island of some of Norton's goods being brought in there, the Govr. issued his proclamation for not only seizing the goods but also the persons concern'd thereabout on suspition of unfair practices, and imprisond them till they were set at liberty upon there appearing no ground or proof of guilt. And besides can it be supposed if any of our Governmt. should be concern'd in such a heinous offence as has been suggested against them that they would ever have ordered the ship into the Govt. of the Massachusetts and not into their own Colony *etc.* The Governmt of Rhoad Island have all along in time of warr done more execution agst. the privateers than any of the King's Governmts. on that Continent and been more ready and expeditious in sending out vessells of warr in quest of the pirates (when that coast has been infested with them) than any of their neighbouring Provinces without any charge to the Crown. And now lately they have been at upwards of £500 charges of their own country money in the tryal *etc.* of the late pirates brot. in there by Capt. Solgard. But the true reason of our Governmts. being so misrepresented and calumniated by Colo. Shute and Judg Minzies appears to me to be much owing to Governr. Cranston's being appointed Agent for the Proprietors of ye aforesd. ship and demanding a restitution of what they have in their hands of the ship and cargo at Boston, *etc.* Signed, Thy Friend, Richd. Partridge. Addressed. 2 $\frac{3}{4}$ pp. Enclosed,

3. i. Governor and Council of Rhode Island and Providence Plantations to Lord Carteret. Acknowledge H.M. letter of 25th Sept. 1722 and defend themselves against misrepresentations in case of the *Porto Prince*, as in preceding. Signed, by order, Richd. Ward, Secry. Copy. 3 pp.

3. ii. A Vindication of the Governour and Government of H.M. Colony of Rhode Island *etc.* From the unjust Aspersions and Calumnies of *John Menzies*, Judge of His Majesty's Court of *Vice-Admiralty* in the same: Relating to the Proceedings of said Government, in the Affair of several slaves, and other Goods Imported into said Colony, from a Ship lately lying at Tarpawlin Cove, *etc.* Sign'd, by Order of the Governour and Council, R. Ward, Secretary. Printed. 12 pp. [C.O. 5, 10. ff. 376-379, 380, 381-385v.]

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Jan. 7. 4. Council of Trade and Plantations to the King. *Submit*
Whitehall. Governor Burnet's proposals for election of Assemblymen, New Jersey, and *enclose* following, to which the Proprietors of the Jerseys have no objection *etc.* *Enclosed*,

4. i. Draught of H.M. Additional Instruction to Governor Burnet, as to redistribution of seats. v. C.S.P. Jan. 31st, and A.P.C. III. No. 56. [C.O. 5, 996. pp. 128-133.]

Jan. 7. 5. Mr. Popple to Mr. West. *Encloses*, for his opinion in
Whitehall. point of law, three Acts passed in Barbados, Oct., 1723 (i) for allowing the solemn affirmation of the people called *Quakers etc.* (ii) to enlarge the time allowed by the supplemental Act for laying a duty on sugars imported *etc.* for proof as to goods seized *etc.*, and (iii) to prevent the danger of contagious distempers from foreign vessels *etc.* [C.O. 29, 14. p. 384.]

Jan. 8. 6. *Same to Same.* *Encloses* for his opinion in point of law,
Whitehall. Acts of St. Christophers, 1722, (i) for *enjoyning* all vessels or persons infected with the plague, small-pox or other contagious distempers, to perform a due quarantine, and to prevent as much as may be the danger with which this island is at present threatened by the small-pox being already therein ; (ii) An Act for the relief and release of John Sedgwick and others, poor distressed prisoners for debt *etc.* ; (iii) An Act for regulating Vestries and for erecting into a parish part of the quarter called *Basse Terre*, by the name of the parish of St. George *Basse Terre*, and for repealing the Act for regulating Vestries passed in the 10th year of her late Majesty's reign, and for annexing other parts of the said quarter to the respective parishes of St. Mary Cayon and Trinity Palmeto Point. And an Act of Montserrat, 1723, for granting H.M. *etc.* certain duties upon the impost of beef, pork, herrings, *etc.* towards the defraying the annual expences of the Honble. Charles Dilke, Esq., Lt. Governor *etc.* [C.O. 153, 14. pp. 123, 124.]

Jan. 11. 7. Daniel Prevèreau to Mr. Popple. On behalf of Lt.
Whitehall. Governor Hope, recommends Samuel Rayner for the Council of Bermuda *etc.* (v. C.S.P. 30th July, 1723). *Signed*, Daniel Prevèreau. *Endorsed*, Reed. 11th, Read 21st Jan., 172 $\frac{3}{4}$. 1 $\frac{3}{4}$ pp. [C.O. 37, 11. ff. 6, 6v., 7v.]

Jan. 11. 8. Governor Worsley to Lord Carteret. *Encloses* Act
Barbados. lately past to raise a levy and to establish a method to supply the want of cash for the payment of the publick debts. *Continues* : As the publick, and private credit here, occasioned by the want of currant cash, is very low, and as the publick debts of this Island, which amount to between 20 and £30,000, which, if this Act is confirmed, will be immediately paid off, and the usual annual revenue will, for the future, defray the yearly

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charges of the Government, I was induced to give my assent to the above said Act, but with the limitation that it should not have its effect till it was approved of, and confirmed, by His Majesty. The merchants here, at first, opposed it, in that the country notes carried no interest, and that it was not general, i.e., it was not to be received in the levy for the support of the honour and dignity of this Government; but when these objections were removed, the former by allowing six per cent. per annum interest on all the notes above twenty shillings till sunck, which they will all be in six years, and the latter by my assenting to receive them as money in the payment of my additional annual allowance, the bill past the Assembly *nemine contradicente*, and but one of the members of the Council opposed it. *Encloses* Minutes of Council, 8th Aug.—26th Nov., 1723; of Court of Chancery, 13th Oct.—7th Dec., 1723; of Assembly 24th Sept., 1723—9th Jan., 1724; Addresses from the Grand Jury *etc.*, and depositions by Henry Hunt, late Commander of the *Delight* galley, and Thomas Blackston, chirurgeon, in relation to several of his ship's company, who were forced into the pirats' service, when he was taken by them. *Continues*:—I have put on board of Capt. Barry four Portugeuze mulatos who were taken by Low the Pirat, off of the Island St. Antonio, one of the Cape Verde Islands, who put them, with other Portugeuze inhabitants of those Islands taken at the same time, on board of Capt. James Peare, master of the *Thomas and James* sloop of Bristol, who sold them, at Sta. Lucia, to Capt. Bains, an inhabitant here, and gave him a bill of sale for them: Upon their arrival here they applyed themselves to me for their liberty, alledging they were freemen, Christians, and subjects of the King of Portugal, and could not be sold as slaves, upon which consideration as also of their being piratical goods, if they had been slaves, I took them under my protection, and have ordered Capt. Barry to deliver them to your Lordship's order. The inclosed deposition of theirs relates also to several others that were taken with them, and also delivered by the said pirat to Capt. Peare, who likewise sold them at Sta. Lucia. *Signed*, Henry Worsley. *Endorsed*, Reed. 12th Mar. 6 pp. *Enclosed*,

8. i. Presentment of the Grand Jury of Barbados, to the honble. William Lesslie, Chief Judge. 10th—12th Dec. 1723. Represent need of a strong prison and of providing for the repair of the highroads leading into St. Michael's, and that several of the wharfs are being rendered useless by buildings on them. *Signed as No. v. 1 p.*

8. ii. Deposition of Henry Hunt and Thomas Blackston, *described in covering letter. Signed*, Henry Hunt, Thos. Blackston. 21st Dec., 1723. *Copy. 1 p.*

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8. iii. Address of the Grand Jury of Barbados to the King. 10th–12th Dec., 1723. Loyal compliments. *Signed as No. v.* 1 p.
8. iv. Address of the Grand Jury of Barbados to Governor Worsley. *Praise* the administration of Justice, and H.E.'s zeal for the publick welfare in recommending to the Assembly the support of publick credit, repair of the fortifications, and the prevention of that clandestine running of wines which has been too long practiced to the public detriment, and his care to prevent illegal trade, so that the fair merchant may be encouraged. *Signed as No. v.* 1 p.
8. v. Address of the Grand Jury to C. J. Leslie, 10th–12th Dec. 1723. Compliments. *Signed*, George Adamson, George Abyvon, jr., Nathan Worrall, Tho. Wood, Thos. Lacey, Jno. Hall, Hugh Williams, Jno. Parkes, jr., Jno. Brewster, Benja. Bissell, Willm. Barwick, John Parker, Samuel Brewster, Rob. Bowcher, Christophr. Lacey, Jno. Redwar, Geo. Worrell. 1 p.
8. vi. Deposition of Thome dos Santos, Manuel Pires, Sabastiano Fernandes and Diogo do Rosario, 2nd Dec., 1723, Portuguese mulattos, as to their capture by Low the Pirate *etc. v. covering letter.* 2nd Dec. 1723. *Signed*, Thome dos Santos, Manual Pires, Sabastiano Fernandes (*his mark*), Diogo do Rosario (*his mark*). *Portuguese.* 2½ pp. [C.O. 28, 44. Nos. 65, 65. i.–vi.]
- Jan. 11. Barbados. **9.** Governor Worsley to the Council of Trade and Plantations. Duplicate of preceding letter. *Endorsed*, Recd., Read 27th Feb., 1723¼. 6 pp. *Enclosed*,
9. i.–vi. Duplicates of preceding Nos. i.–vi. *Endorsed*, Recd. 26th Feb., 1723¼. [C.O. 28, 18. ff. 36–38v., 39v., 40–41, 42, 43–44v., 45v.–47v.]
- Jan. 11. **10.** Proceedings of Court of Chancery, Barbados, 30th Oct. 7th Dec. *Enclosed in preceding covering letter.* 11 pp. [C.O. 33, 27. No. 1.]
- Jan. 14. St. James's. **11.** Order of King in Council. Referring to a Committee Act of Massachusetts Bay for apportioning of tax of £6,232 13s. 11d. *etc. v.* Dec. 20th, 1723. *Signed*, Temple Stanyan. *Endorsed*, Recd. 29th Feb., Read 1st April, 1724. ¾ p. [C.O. 5, 869. ff. 9, 10v.]
- Jan. 14. Bermuda. **12.** Lt. Governor Hope to Lord Carteret. *Begs that* a fit person may be appointed Collector of the Customs. *Continues*: The present incumbent has been distracted these many years. It is near a year since I signified it to the Lords of Treasury,

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without any answer *etc.* The duty has been discharged by one whom he hired at 2*s.* a day, which since I have been appriz'd of, I have put a stop to. John Carter is his present deputy *etc.* I have already recommended to your Lordship a proper person *etc.* Signed, John Hope. Endorsed, Rd. Feb. 22. 2 pp. Enclosed,

12. i., ii. Copy of Lt. Governor Hope's letter and replies to queries of the Board of Trade Jan. 14. (following.) [C.O. 37, 28. Nos. 19, 19. i., ii.]

Jan. 14. **13.** *Same* to the Council of Trade and Plantations. Refers
Bermuda. to enclosed replies *etc.* Continues :—By replies iii & iv your Lordps. may perceive that the trade with foreign Plantations is very much practiced by the Bermudians ; (but for the advantage of the other British Plantations who does imploy them), and that the illegal trade of this place is so trivial, that it has never been thought convenient to put a stop to it. I have sent inclos'd to Mr. Popple a copy of the tryal of a sloop condemn'd here for illegal trade *etc.* She is the first vessel that ever was condemn'd here upon that section of the Act of Parliament : and I desire your Lordps. to remark that the Attorney Genl. was obliged to make use of the 89th Article of my Instructions, or else the Judges wou'd not have condemn'd her. The Judges own'd to me, that the vessel stood forfeited, by vertue of the Act which she is libell'd upon : But that the Law in this point had always been wink'd at ; However in obedience to my 89th Instruction, they wou'd put the law in execution. What sort of creatures I have to deal with ; how trade has here been managed, your Lordships will (by this) be best able to form a notion of. My Lords, This is really the true state of this little Colony ; and I should be as ready to chime in with this politick of over-looking their underhand practices (as at present I must do) as any Governor that ever was upon the place, were it not that it has a consequence, which is melancholy to reflect upon. Pyrates in former days, were here made very welcome, and Governors have gain'd estates by them ; nor has there of late, been that severity shown to those vermine, and their abettors, which the constitution of this country requires. I am very sorry to say it ; but these people do not look upon those monsters with that abhorrence which they ought to do : and I find that when we do fall into those villains' hands, our treatment is not so rough as that which other people meet with. The Bermudas sloops are such sailors, that, if they are anything large, the pyrates never part with them : but the small ones they generally sett free ; and in both these cases, we seldom are losers, tho' it is impossible for me to demonstrate : For after a Bermudian has been in a pyrates' hands, he is sure to make the best of his way to a foreign Plantation, (whose behaviour on this head are all of them scandalous), and what they have got, they then

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dispose of it. *Refers to* execution of two pirates (*v.* C.S.P. 4th July, 1723) on the evidence of some sailors belonging to a ship which put in here in distress. *Continues* : Their execution was no sooner over, but several people own'd that they knew them to be pyrates, for they had been taken by them, but their conscience was so tender, that they wou'd not have the blood of a man to lye at their door ; besides it was to be fear'd that this very execution wou'd make our vessels fare the worse for it, when they happen'd to fall into the pyrates' hands. I am certain these two fellows brought considerable effects along with them, tho' they denyed it at their death, but it has not been possible to discover it. The new law relating to accessarys was not then arriv'd, else the man who brought them here shou'd have been try'd by it ; and it was doubtfull whether or not the old law wou'd have condemn'd him had he been sent home. I have repeated this story to your Lordps. on purpose to show that if the trade of this place was narrowly look'd into, by proper Officers controlling one another, such grievances might in some measure be redress'd. But I am still at a loss, where to find a fund to support the charge of doing it. My Lords, if ever it is thought proper to put this affair upon a right footing, there must be a fort built at the narrowest place of that Cut where the vessels come in at the west end of these islands, and in that fort there must a Custom-house Officer reside. I wish my answers to the 14th and 15th queries may be satisfactory, for I am able to make no other, further than to observe that what has been done towards the fortifying of this place, was all performed by the Propriety Governors ; and that nothing has ever been thought upon of that nature since the Crown sent Governors hither. What they did with the publick revenues, does not appear by any records ; and for these twenty years past, I have already acquainted your Lordships that the bulk of this revenue has been imploy'd in defending of a law suit which one Jones has against the former Governor *etc.* How my predecessor has contriv'd to mismanage this affair so long, is unaccountable ; but he certainly did his duty in suspending of him ; for that Jones deserv'd severer punishment for what he was guilty of, as well as for his insolent behaviour to Mr. Bennet *etc.* By the answer to the 16th Querie, your Lordps. may perceive that there is a great deal wanting, and requisite to be done. And by the answer to the 14th, the utmost extent of the funds it is to be done upon, which to tell the truth, may very well defray the expences of this Government, provided the Governor does his duty. But the salary of this Government is so small that it is not worth an honest man's while to be ambitious of it ; and when power is put into other hands the consequence may easily be understood. As to what relates to the trade and interest of the place, or how far it may be made usefull toward the advancement of the trade of Great Britain ;

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I must own to your Lordps. that I know nothing of the matter ; it having been my lot to be brought up to a profession very foreign from speculations of that nature. What is said upon this head in the answers, is only from what conversation I have had with the natives, for there are but few strangers who trade hither, that deserve the name of merchants. But the service that this place may be of in time of warr *etc.*, is a matter worthy of your Lordships' consideration. The wholesome climate that these Islands are bless'd with, makes it the fittest place in all the West Indies for a garrison, or what is call'd a place of arms, and consequently the best place of refreshment, for soldiers, and seamen, who never fail of contracting fatal distempers everywhere else in the West Indies ; where if they happen to continue, they dye like flies ; whereas daily experience shows, that the air of this place alone cures those very distempers of the most virulent nature. This is the best place for intelligence of any in America : for the number of sloops belonging to these islands, continually trading backwards and forwards from the Southern and Northern America (and tho' they seldom enter yet they always call in) makes it, that we know much better, what passes in the western world, than any other Colony in it. In all the rest of the British Plantations, there are scarce seamen sufficient to man the merchants' vessels ; but here there are always four or five hundred good seamen to be depended upon, which may serve to recruit those ships of war, that may attend this station. Were there five, or six light frigates and sloops, from thirty guns, to sixteen, station'd here, and close correspondence kept by the Governors of Jamaica, the Leeward Islands *etc.* with the Governors of Bermuda ; it is plain that the whole trade of the foreign Plantations to their native countrys, in a great measure might be cut off. For as I have already acquainted your Lordships *etc.* that all homeward-bound vessels must pass within twenty or thirty leagues of this place, so daily observation convinces me, that they cannot help coming near, by the number of vessels that are seen to pass by with the naked eye. The galleons of Spain have often come to an untimely fate, amongst these rocks with which we are surrounded : and certainly the riches which lye buried here, are immense, cou'd they be found. This last flottilla which by the newspapers I find are safely arriv'd at Cadiz, very narrowly escap'd us, for in Dec. 1722 about six a clock in the morning (then dark) we heard some guns from the sea, and when day began to break, we saw fourteen tall ships close in with the rocks ; one of them struck, which was the reason of her firing ; and had it been but one hour longer to daylight, every one wou'd have been ashore. I mention this passage to show, that notwithstanding all the precautions that mariners take to shun this place, yet they very often make it (as they call it) when they do believe themselves to be at 40 leagues distance from it : the reason which is this, there is a current to the west-

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ward of these islands, which sometimes runs South, and sometimes North, irregularly; but so rapid sometimes, that it is not to be believ'd how far some vessels to my knowledge, have been drawn out of their latitude, in one nights time, after having made the land the night before. By which it is easie to be accounted for, why so many homeward-bound vessels, do pass so near these islands, without its being in their power to help it. And it is very plain that most of them might be cut off, by an armament which wou'd cost but very small expence. The sea-officers are the properest persons to be consulted with upon this project (I wish it may not be looked upon as a project) and I make no doubt, but if duly consider'd, this little Colony may in times of warr, be found to be of considerable service to Great Britain. My Lords, I shall now beg leave to conclude my answers to these Queries with an observation upon the nature and constitution of the natives themselves. And I must beg of your Lordps. to believe, that whatever illegal, or criminal practices, these answers may seem to charg them with, it is not meant by me as any reflection upon the people; for I must say, they are a sett of handsome, sturdy, English seamen; not altogether so rough, but of as good understandings. They have a greater share of natural honesty, than most of our Creols are endow'd with. And the greatest faults they have, is what they have learn'd by the behaviour of their betters, and the looseness of the Government they have liv'd under. *Signed,* John Hope. *Endorsed,* Reed. 12th March, Read 2nd April, 1724. 9 pp. *Enclosed,*

13. i. Lt. Governor Hope's Answers to Queries from the Board of Trade. (i) The trade of these islands consists chiefly in building of sloops of 100 tuns and under, in which they transport the productions of the Plantations in America from the one to the other. They have not substance of their own, nor do these islands (now) produce anything where-withal to employ them, so that they are generally upon freight; and their main view being to bring their vessells to a good market, that they may get home to build another. There are at present belonging to these islands; two ships, one brigantine, 60 sloops, and by the registers of sloops built since June 1707 there appears 435 vessells, which is 27 sloops built every year. As many able-bodied men and boys as stand upon the account of the number of inhabitants, and upon the muster returns, so many there are that go to sea. *Refers to* (ix). List of vessels and tonnage annexed. (ii) There is imported every year to the value of £10,000 sterl. in dry goods from Great Britain and the Plantations. *Gives* invoices of goods suitable for Bermuda. (iii) These islands have no trade with

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any nation in Europe except Great Britain, but the best trade they have is with the foreign Plantations in America; for in them it is where the Bermuda sloops give the best price. What commodities they carry (besides) cannot be answered but by hearsay (viz. flower, Indian corn, biscuit etc. provisions of all kinds) for no vessels ever clear out from hence for a foreign Plantation, (Madera excepted). They generally take their clearance for some of the Northern British Plantations where they take in the above mention'd commodities, and from thence they proceed to the foreign Plantations, under colour of a clearance perhaps for Barbados, the Leeward Islands *etc.* If they return here in the same sloop, they for the most part enter in ballast (vid. 4 *Quer.*) under the protection of the abovementioned papers: for none of the foreign Plantations, except Surinam, do examine their papers, or give any clearance. And if they do import any goods, they declare upon oath, that these goods were imbarqued at Curacoa, Statia, or St. Thomas's. By the Collector's books, it appears, that some have been allow'd to enter goods of the growth of the French Plantations; But, since the publication of the 5th and 6th Articles of the Treaty of Peace and Neutrality, and of the 89th Article of the present Governor's Instructions, no vessels have ever offer'd to enter any goods from a French settlement. But it comes all to the same purpose, as long as they are allow'd to enter without papers. The laws for regulating the Plantation trade and enumerated commodities, are very severe, upon British built vessels loading or unloading in British Dominions; and all manner of commerce with the French Plantations is discharged by the aforesaid Treaty; but there is no law to regulate, neither has the Governor or Collector of the Bermuda Islands any instructions concerning commerce with the Spanish, Holland, Danish or Portuguese plantations in America. So that it is impossible to know, where these commodities were produced or imbarqued. It is probable they may have been shipp'd in Martinique, or clandestinely put on board in Barbado's *etc.*, and it is possible they may have been pyratically acquir'd. The goods which are imported here from foreign Plantations, in the manner above specified, are sugars, rum, mellasses, cacao, indigo, and logwood and brazelletto wood from the Bay of Honduras, and the Bahama Islands. (iv) The only methods for preventing illegal trade are the industry and vigilance of the Governor, Collector, and

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Searcher, which has not been effectual, for the following reasons: The situation of these Islands is such, that without a competent number of Custom Officers (with appointments sufficient to put them above being brib'd with shillings and sixpences) it is impossible to hinder illegal trade here. N.B.—The Collector and Searcher have no salaries. What is meant by vessels entering in ballast (*v. Quer. iii*) is, that all such vessels as have been upon an illegal trade, and who have any goods that are seizable on board, they take care to come in by a channel at the West end of these Islands: and as there are many convenient creeks and harbours, which are hid, or land-locked, it is easy to put these goods on shore (before they come to the harbours where they are obliged to make their report) without its ever coming to the knowledge of any of the beforemention'd officers. What the nature of this illegal trade may be, is impossible to give an account of; for it has always been the politick here, to wink at these practices, for a reason commonly and strongly urged by the inhabitants vizt: that if such things were not allow'd, they could not subsist, and that if the laws on this head were strictly put in execution, the consequence would be, that many of the inhabitants wou'd leave the Colony. How far this way of reasoning may be just, must appear from the answers to *Quer. No. 1 & 5 viz*: If the trade, production, and manufacture be of that nature, as to invite people to settle, and continue upon these islands; it is certain that without the connivance of the Governor and Collector, no illegal commerce can be carried on here, that can be prejudicial to trade. For in matters of consequence, it is their interest to do their duty; and as for the small smugglers, it is a question whether or not, if put a stop to, the profits arising would defray the expence of the Officers: But as the case stands now, it is plain and certain, that the Governor, Collector and Searcher, cannot put an effectual stop to it. There is not a man in all these islands, that would give information of an illegal practice in trade, were he sure that his third of the seizure would make him the richest man in the country; and the reason is very plain, for there is not a man in the country but who is guilty as far as lyes in his power. (v) The only production of these islands is, Cedar trees, palmetto trees, and train oil. The sloops (*v. No. 1*) are built of the cedar wood *etc.* Tobacco, pine-apples, oranges, onions, cabages, (formerly the productions of this place in such quantities that they have loaded their

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vessells with them,) are no more to be seen but as rarities. (vi) No mines, nor no appearance of any. (vii) *Refers to answers i & v.* How long the manufacture of platt from palmetto trees may last is very uncertain, for the trees decay very fast and the slowness of their growth gives no manner of encouragement for planting of them, for in 60 or 70 years it is not to be perceived that any plant has advanced an inch in height and most of the trees are 20 to 40 foot high. The oil made from the whale fishing amounts to 5782 gallons one year with another but since the Colonies to the northward have applied themselves to that fishery the oil here has come to an indifferent market everywhere. Those fish which are killed here are not whales for they have no bone and the largest of them yields at most 1000 gallons of oil. What improvement may be made of this branch of our little trade (by an industrious person) is uncertain; but it is valued to the Governor at £100 sterling per annum, and by lycences from him there are two Companies who have the sole priviledge of the fishing (each within their limits) they delivering to him a third of the oil free of expences; it is certain the whole produce does not amount to £600 sterling for the present Governor has offered to farm his third at £200 per annum, but none will accept of it. Of cedar timber manufactured into sloops, £2,160 of palmetto tops into platt, £15,000; of train oil, £600 (Bermuda money). (viii) By the lists given in Oct. 1723, there are 4778 white and 3657 black inhabitants; (ix) An increase since 1721 of 71. *Details given.* (x) Number of Militia, 1009. Since Feb. 1722, the Militia has been reviewed every month of March, May, Sept. Nov. and Jan., and the greatest number that ever appeared under arms was 569, officers included; so that there are always near a half of those men absent at sea, *etc.* A very handsome body of tall, sturdy fellows, and certainly would do their duty to an enemy; for their behaviour on board their sloops has often been singular; but they never have been tryed on shoar, and it is to be remark'd, when alarms happen, that the number under arms, are much about the half of what appears at a review. The situation of these islands is such, that it is not easie to bring them together in a body, and there are a vast many places to defend. So that when five or six hundred men are divided in several bodys, and not in a possibility of assisting each other, it is obvious the number of men at one post, can be but small. So that, upon an alarm, there are three places of

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rendevouz; which posts must be kept; so that at most there can be but 400 men brought together. Two of these parties may join, but the third cannot. Out of these parties, there are detachments to be made to five forts at least, which guard the channels; so that it is very plain, that if the place were to be attack'd with 500 men, there wou'd be work enough for the inhabitants. The greatest security this place has against invasion, is the Independant Company of 50 men, which Company have likewise produced another good effect, for the inhabitants, since their arrival are very respectfull to the Governor. *Return* of arms and officers. (xi) *Return* of guns at the several forts—Southampton Fort, Smith's Fort, Queen's Fort, West side Fort, platform in St. George's, several battlements upon the island of St. George's, and H.M. Castle. *Note.* All these forts *etc.*, the Castle excepted, are nothing else but open platforms. The guns are ruined by rust in such a manner that it is not to be conceived but by those who have seen them. Most of the carriages are rotten and all manner of small implements and accoutrements are wanting. (xiv) *Revenue*.:—Rents of the King's land, £130 15s.; powder money, £75; liquor tax, £460; 5 p.c. duty upon dry goods (now repealed) £390.—£1055 15s. *Details of expenditure.* Out of the 5 p.c. on dry goods has been built the Governour's house, not yet finished. (x) All the land that ever belonged to the Crown is still in the Crown, and is rented out to tenants at will, as per account transmitted home, 356½ acres, besides small islands never surveyed, which together pays yearly £130 15s. Besides which there are twelve shares of land, belonging to the Crown, possess'd by the Governor, for which there is £60 deducted out of his salary. Three shares of land, being the salary of the Capt. of King's Castle, whereof the Governor is Captain, yeilds to him yearly £14; 8 shares as a salary to the Provost Marshal and Secretary, both these posts being in one patent from the Crown; two shares each to the Captns. of Queen's Fort, Smith's Island Fort and Pembroke Fort; two shares to the person appointed to take care of the ferry. This is all the land belonging to the Crown. There are glebe-lands and school-lands, which are possess'd by the parsons, and by those who teach publick schools. But for all the rest of the land in this Colony, which is all manurable, it is possesst by the people who purchas'd it from the original Proprietors. There is no such thing to be found upon record as one of these original grants;

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but it is plain by all the subsequent conveyances, that the present possessors, are not liable to any quit-rent, of any nature whatsoever. That piece of ground upon which the only town stands, is now all taken up, by virtue of grants from the Governors; of which it seems they have made the most; for all the quit-rents reserved thereupon, are, from each lot, a peppercorn. *Refers* to letter of 12th April, 1723. (xvi) *Refers* to accounts sent 12th April, 1723. (xvii) Establishments of Civil and Military Officers. *Endorsed*, Recd. 12th March, Read 2nd April, 1724. 30 pp. [C.O. 37, 11. ff. 36-40, 41v.-44, 45-49, 50-51, 52-56v., 57v.; and (abstract of covering letter, with marginal notes for reply), 37, 24. pp. 18, 19.]

Jan. 14.
Bermuda.

14. Lt. Governor Hope to Mr. Popple. I here send you under a flying seal, a copy of the tryal of a sloop, which after the Lords Commissrs. have perused, I beg you will forward as directed. You will likewise receive inclos'd, the copys of all the publick accounts last passed; which if necessary you may send copys of to the Auditor. For I must here acquaint you, that it is not in my power to correspond with all these Ministers, Boards *etc.*, having but two persons here, that are capable of writing fitt to be seen, and but one of those two fitt to be trusted with anything of moment: Besides, I cannot imagine, the necessity of my corresponding with so many different people. It is now two years almost since my arrival here, and except two letters from the Lords of Trade, I have never receiv'd one answer (to any I have writt) from any of them. I beg you will (in the most respectfull manner you can think of) let their Lordships understand this. There are idle clerks enough under your roof, (if not in your office) that may be usefull this way: Besides, as all the papers I send home, are paid for out of the publick revenue, it is a heavy burthen upon our funds. *Signed*, John Hope. *Endorsed*, Recd. 12th March, Read 2nd April, 1724. 1 p. *Enclosed*,

14. i. Trial of the sloop *George and Elizabeth* of S. Carolina, Admiralty Court, St. George's, Bermuda. 28th Nov.-19th Dec., 1723. Condemned for importing sugar, mollasses and rum from Martinique. *Signed*, Richard Tucker, Register of the Admiralty. *Endorsed*, Recd. 12th March, 1724. 30 pp.

14. ii. Account of the King's Rents, 25th June-22nd Dec., 1722. *Receipts (detailed):*—£65 7s. 0d. *Expenditure, (detailed)* £65 7s. 6d. *Signed and sworn to in Council*, Richard Tucker, Deputy Marshal. *Endorsed as preceding*. 3 pp.

14. iii. Account of excise duty, 24th Jan.-3rd Aug., 1723. *Totals:—Receipts*, £873 1s. 4d. *Expenditure*, £870

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0s. 9 $\frac{3}{4}$ d. *Signed and sworn to in Council*, Henry Tucker. *Same endorsement*. 5 pp.

14. iv. Account of the 5 p.c. duty on dry goods, 28th Jan.—28th June, 1723. *Totals*:—*Receipts*, £113 13s. 8d. *Expenditure*: £61 19s. 4d. *Signed and sworn to in Council*, Richd. Jennings. *Same endorsement*. 3 pp.

14. v. Account of powder money, 23rd Jan.—28th June, 1723. *Totals*: *Receipts*: £40 11s. 8d. *Expenditure*:—£87 13s. 11d. *Signed and sworn to in Council*, Richard Tucker, Depty. Secretary. *Same endorsement*. 7 pp. [C.O. 37, 11. ff. 58, 59v.—74v., 75v., 77v.—78v., 79v., 80v.—82v., 84v., 86v.—87v., 88v., 90v.—93v., 94v.]

Jan. 15. **15.** Mr. Lynn to Mr. Popple. The Court of Assistants of the Royal African Company return you thanks for your letter of 11th inst., and as they entirely depend upon the judgment and justice of the Lords Commissrs. in the affair of the Virginia Act, they do not think of giving their Lordps. any trouble in that matter. *Signed*, Fra. Lynn. *Endorsed*, Reed. 15th, Read 17th Jan., 172 $\frac{3}{4}$. $\frac{3}{4}$ p. [C.O. 5, 1319. ff. 145, 146v.]

Jan. 17. **16.** Governor the Earl of Orkney to the Council of Trade and Plantations. Recommends John Carter for the Council of Virginia in place of Col. Bassett, deed. *Signed*, Orkney. *Endorsed*, Reed. 20th, Read 21st Jan., 172 $\frac{3}{4}$. 1 p. [C.O. 5, 1319. ff. 147, 148v.]

[Jan. 19.] **17.** Memorial of Merchants of London trading to Virginia to the Council of Trade and Plantations. Pray that the Act of Virginia, *laying a duty on negroes imported* may be confirmed. This is no new duty, but less than the old one. The purchaser in this case as in all others pays the duty where it is not excessive *etc.* The same tax is raised in Maryland *etc.* *Signed*, Micajah Perry and 14 others. *Endorsed*, Reed. (from Mr. Perry), Read 19th Jan., 1724. 1 large p. [C.O. 5, 1319. No. 36.]

Jan. 20. **18.** Governor Nicholson to the Council of Trade and Plantations. *Encloses* duplicate of 14th Dec. “when I was in hopes the Assembly would have gone through the bill for sinking the paper bills, but there is almost every day some new objections made” *etc.* *Encloses* Journal of Assembly: *Continues*:—This affair of the currency and that of making our comodities a tender in law are very intricate because of the different interest of a few merchants and the planters but yet I hope in God they will agree upon a bill conformable to their Excys’. letter *etc.* I assure your Ldps. I shall pass no bill which in my opinion shall be contrary *thereto*, and when I have passed any bill, I shall give my reasons thereupon *etc.* I thank God we have had an extraordinary fine winter so that the planters have had a good

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opportunity of finishing and bringing down their comodities hither and we have now a good number of ships besides sevl. already sailed. *Encloses* Naval Officer's list of vessels entered and cleared, *etc.* *Continues* :—The publick Treasurer is making up his accot. in order to be laid before the House of Assembly and I thank God I find that the Revenue will amount to more then ever it did yet as likewise the quantity of rice (which proves extraordinary good) as also the pitch and tarr; and that there is already sent home more than ever was known at this time of the year and its supposed that most of the ships and vessels here will be loaden with the said comodities by the latter end of the next month *etc.* These things makes the planters somewhat easy but otherwise I apprehend they would have proved to the contrary. I am in daily hopes of receiving your Lordps. commands *etc.* P.S.—I have lately discovered some dealings of Messrs. Godin and Conseillere with the French at Cape François which I take to be not only contrary to my 69 Instruction but also to the Acts of Trade and Navigation. I am getting all the proceedings to be put under the great Seal to be transmitted to your Lordships. *Signed*, Fr. Nicholson. *Endorsed*, Recd. 16th March, Read 29th Oct., 1724. $1\frac{1}{2}$ pp. *Enclosed*,

18. i. Minutes of Council and Assembly of S. Carolina, 15th and 16th Jan., 1723. *Same endorsement. Copy.* $2\frac{1}{2}$ pp. [C.O. 5, 359. ff. 164, 164v., 165v.—167v.; and (abstract of covering letter) 5, 406. p. 12.]

Jan. 21. **19.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. *Enclose* Office accounts from Whitehall. Midsummer to Christmas, 1723. There was then 9 months due to the Secretary and other Officers, *etc.* *Accounts annexed and certified.* [C.O. 389, 37. pp. 233–236.]

Jan. 21. **20.** Mr. West to the Council of Trade and Plantations. Recites objections to Exeise Act of Barbados. *Signed*, Richd. West. *Endorsed*, Recd. 21st, Read 29th Jan., 1723 $\frac{3}{4}$. $4\frac{3}{4}$ pp. [C.O. 28, 18. ff. 28–30, 31v.]

Jan. 22. **21.** Col. Vetch [*?to the Duke of Newcastle*]. *Explains* his services and sufferings in promoting the Canada Expedition *etc.* Was superseded from the Government of Annapolis Royal only for his zeal to H.M. Royal family. Was promised by all the late Ministry, Lords Sunderland, Stanhope, and Mr. Craggs to be provided for in a Government abroad: “more particularly of late by my Ld. Carteret to that of New England, in case Mr. Shute should not go back: which I look upon to be nixt to impossible considering the vast breach that is now betwixt Mr. Shute, and the whole body of the people and Government there” *etc.* As no person is more capable of serving the intrest of the Crown in that country so no person can be more acceptable

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to the whole people there : being so long known to them and having served their country upon severall occasions *etc.* *Gives references to many peers etc.* Signed, Sam Vetch. *Holograph.* 2 pp. [C.O. 5, 12. ff. 9, 9v.]

Jan. 22. **22.** Council of Trade and Plantations to the King. Recommend Samuel Rayner for the Council of Bermuda in place of Wm. Tucker decd. [C.O. 38, 8. pp. 8, 9.]

[Jan. 22.] **23.** Petition of Mayor, Aldermen and Merchants of Liverpool to the Council of Trade and Plantations against Act of Virginia *laying a duty upon negroes imported etc.* Signed, John Scarbrick Mayor, and 29 others. Endorsed, Recd. Read 22nd Jan., 1724 $\frac{3}{4}$. 1 large p. [C.O. 5, 1319. No. 41.]

Jan. 22. **24.** Council of Trade and Plantations to the King. Recommend John Carter for the Council of Virginia in the room of William Bassett, decd. [C.O. 5, 1365. p. 268.]

Jan. 23. **25.** Order of King in Council. Appointing Mr. Carter as St. James's. *preceding.* Signed and endorsed as following. 1 p. [C.O. 5, 1319. No. 43.]

Jan. 23. **26.** Order of King in Council. Confirming Act of Jamaica St. James's. *to enable the trustees of William Charles Dowles etc.* Signed, Temple Stanyan. Endorsed, Recd. 29th Feb., Read 1st April, 1724. 2 pp. [C.O. 137, 14. ff. 275, 275v., 276v.]

Jan. 23. **27.** Order of King in Council. Appointing James Dottin St. James's. to the Council of Barbados in the room of William Dottin, decd. Signed and endorsed as preceding. 1 p. [C.O. 28, 18. ff. 50, 51v.]

Jan. 23. **28.** Order of King in Council. Approving draft of St. James's. Additional Instruction to Governor Burnet as to choice of Assemblymen in New Jersey. v. A.P.C. III. No. 56. Signed and endorsed as preceding. 1 $\frac{1}{4}$ pp. [C.O. 5, 972. ff. 81, 81v., 84v.]

Jan. 23. **29.** Order of King in Council. Confirming Act of New York St. James's. *for ascertaining boundaries with Connecticut etc.* cf. 4th Sept. 1723. Signed, Temple Stanyan. Endorsed, Recd. 29th Feb., Read 1st April, 1724. 1 $\frac{1}{2}$ pp. [C.O. 5, 1053. ff. 169, 170.]

Jan. 23. **30.** Order of King in Council. Removing Thomas Brook St. James's. from the Council of Bermuda and appointing Capt. Daniel Tucker in his stead. v. A.P.C. III. No. 49. Signed and endorsed as preceding. 2 $\frac{1}{4}$ pp. [C.O. 37, 11. ff. 18-19v.]

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- Jan. 23. **31.** Order of King in Council. Appointing Samuel Rayner to the Council of Bermuda in place of Wm. Tucker, deed. *Signed and endorsed as preceding.* 1 p. [C.O. 37, 11. ff. 20, 21v.]
St. James's.
- Jan. 28. **32.** H.M. Warrant to the Lt. Governor of Bermuda, for dismissing Thomas Brook from the Council, and appointing Daniel Tucker in his place. *Countersigned, Carteret. Copy.* [C.O. 324, 35. p. 50.]
St. James's.
- Jan. 29. **33.** H.M. Warrant to *Same*, for admitting William Tucker to the Council of Bermuda. *Countersigned, Carteret. Copy.* [C.O. 324, 35. p. 51.]
St. James's.
- Jan. 29. **34.** Mr. Popple to Mr. Carkesse. Encloses Act of Barbados *for laying a duty on wines etc. imported*, and desires opinion of the Commissioners of Customs as to the manner of collecting the duties mentioned therein, and the power thereby given to the Treasurer and Comptroller *etc.* [C.O. 29, 14. p. 385.]
Whitehall.
- Jan. 29. **35.** Council of Trade and Plantations to the King. Recommend that the Act of Virginia, 1723, *for laying a duty on liquors and slaves* be repealed, for the reasons *Set out*, A.P.C. III., p. 64. [C.O. 5, 1365. pp. 269–271.]
Whitehall.
- Jan. 29. **36.** H.M. Warrant to Lt. Governor Drisdale for admitting John Carter to the Council of Virginia. *Countersigned, Carteret. Copy.* [C.O. 324, 35. p. 49.]
St. James's.
- [Jan. 31.] **37.** Petition of Abel Alleyne to the Council of Trade and Plantations. *Prays* for the confirmation of a private Act of Barbados, 1722, for enabling Elizabeth Alleyne, widow, (formerly Buttall) *etc.* to sell part of a plantation *etc.*, which Act both the late President Cox and the present Governor have neglected to send home *etc.* *Endorsed*, Reed., 31st Jan., Read 4th Feb., 1723. 1 p. [C.O. 28, 18. ff. 32, 33v.]
- Jan. 31. **38.** Mr. Leheup to Mr. Popple. Requests favourable report upon Act of Virginia *for the better and more effectual improving the staple of tobacco etc.* *Signed*, Peter Leheup. *Endorsed*, Reed. 4th, Read 14th Feb., 172 $\frac{3}{4}$. 1 p. [C.O. 5, 1319. ff. 159, 160v.]
Treary Chambers.
- Jan. 31. **39.** H.M. Additional Instruction to William Burnet, Governor of New Jersey. *cf.* Jan. 7th. *Conclude*: You are to make known in the most publick manner that the method of choosing Representatives for the future shall be, Two by the Inhabitants Householders of the City or Town of Perth Amboy in East New Jersey, and two by the Freeholders of each of the five counties in the said Division; two by the inhabitants

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Householders of the City or Town of Bridlington in West New Jersey, and two by the Freeholders of each of the five counties in the said Division, *etc.* Signed, G.R. [C.O. 324, 35. pp. 52, 53.]

Feb. 3.
London.

40. Governor Johnson to [?Lord Carteret.] Since I had the honr. of wateing upon your Lordship, have had some thoughts, in what manner your Ldp. might best influence the afares of Carolina, to induce the people to doe justice to your interests their and I submit to your Lps. judgment if you don't think it may be advisable to obtaine the Governmt. your selfe ; and to act by a Deputy ; My Lord Orkney is Governr. of Virginia in the same manner *etc.* *Offers to act under him and then to inform him "how far it would answer your being sole Proprietor."* *Continues* :—My Lord I am sure Mr. Nicholson hopes by his comeing to England to get him self established Governour to act by a Deputy so by haveing one he recomends could influence the afares of Carolina his one way ; to my knowledge he tells the facion he shal be able when in England to do them moor service then in Carolina, and desiers to go to England for that reason, and once in a passion I heard him say ; Let the Lds. Proprs. take cair the King did not take the soil as well as Government, for their ruining the country by shutting up the land office ; for theirby they had forfeited their Charter. *Encloses* a Petition to the King, and Address of Assembly to him to show that he only forfeited their esteem by his opposition to their "unjustifiabile proceedings against the Lds. Protrs." The great majority of the inhabitants wish him to succeed Mr. Nicholson. *Continues* :—If in your Ldps. absence I had not been barberously treated by the Lds. Proprs. and everything done contrary to my advice, and my Counsel removed who I had settled a good understanding with, to make way for Trott's and Rhet's friends to worm me out of the Governt. before your Ldps. return ; I could esely have prevented what hapned and have defied the people's eforts *etc.* Signed, Robt. Johnson. *Holograph.* 2 pp. [C.O. 5, 308. No. 2.]

Feb. 4. **41.** Mr. Popple to Mr. Attorney General. Presses for report
Whitehall. upon Laws of Jamaica (4th Oct. 1723). [C.O. 138, 16. p. 463.]

Feb. 4. **42.** *Same* to Mr. West. Encloses, for his opinion in point
Whitehall. of law, Act of Barbados, 1722, for *enabling Elizabeth Alleyne etc.* [C.O. 29, 14. p. 386.]

Feb. 4. **43.** *Same* to *Same*. Encloses, for his opinion in point of law,
Whitehall. four Acts of Bermuda, 1723. (i) *to supply the deficiency of funds, and for the immediate support of Government, and for repairing the fortifications,* (ii) *for the better security of such as are possessed of slaves etc.,* (iii) *for prolonging and altering the*

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Act for attaching the goods of persons not residing in these islands, (iv) A second additional clause to the Act for vessels paying powder-money. [C.O. 38, 8. pp. 10, 11.]

Feb. 6. **44.** Mr. Carkesse to Mr. Popple. *Reply to 29th Jan. q.v.*
 Custom ho., London. The clauses in the said Act requiring all masters to deliver in a manifest of their whole cargo and to take out cocketts and sufferances from the Treasurer is contrary to the Laws of Trade and Navigation, particularly 7th and 8th K. William III by which they are obliged to enter and clear with the Collector and Comptroller of Customs *etc.* By the 10th Section H.M. subjects not being inhabitants of the Island are not allowed the same time for payment on their giving bond for these duties as is allowed the inhabitants *etc.* There are severall extraordinary powers given to the Treasurer and Comptroller appointed by the said Act which appear to be repugnant to the Laws of Great Britain *etc.* *Signed, Cha. Carkesse. Endorsed, Recd. 7th, Read 11th Feb. 1724. Addressed. 2 pp. [C.O. 28, 18. ff. 34, 34v., 35v.]*

Feb. 7. **45.** Mr. Burchett to Mr. Popple. Encloses following.
 Admty. Office. *Signed, J. Burchett. Endorsed, Recd. 11th Feb., Read 22nd July, 1724. Addressed. ½ p. Enclosed,*

45. i. Extract of letter from Lt. Governor Wentworth to the Lords Commissioners of the Admiralty. 30th Dec., 1723. We are a number of the principal men of this Province, and the Government of Connecticut Colony, that are desirous in setting up a New England Company, for raising Naval Stores *etc.* As for the Massachusets, we desire to be clear of them, knowing how they draw everything from Connecticut, and this H.M. Government, we being the two legs on which that Government stands; Having no export of their own, they drain us even to death, that we are hereby kept poor. If this projection meets with success hoping we may become yet more serviceable to Great Britain, and also freed from the bondage we now labour under in respect to the Massachusets. We have drawn up proposals, being signed by 180, and hope to obtain as many more in Great Britain, and that your Lordships will countenance and incourage such an undertaking, that promises so beneficial to Great Britain. Some of us in this Province have made an attempt on iron works, *etc.* *Repeats conclusion of C.S.P. 1723. No. 806. Copy. 3½ pp. [C.O. 5, 869. ff. 21, 22-23v., 24v.]*

Feb. 7. **46.** H.M. warrant to Governor Burnet appointing James
 St. James's. Alexander Attorney General of New Jersey, "during Our pleasure and his residence" *etc.* *Countersigned, Carteret. Copy. [C.O. 324, 35. p. 54.]*

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Feb. 7. **47.** Similar Warrant appointing William Trent Chief Justice of New Jersey. *Countersigned*, Carteret. *Copy*. [C.O. 324, 35. p. 55.]
St. James's.

Feb. 10. **48.** Mr. Partridge to the Council of Trade and Plantations. *Encloses following*. "It is not only impracticable to joyne London. Rhode Isld Connecticut and New Hampshr. together by reason 12th mo. of the distant scituation of the Governmts., but it wd. be called very injurious to our inhabitants for that many substantiall Febry. ye famillys would be liable to be turn'd off from their estates and 10th, 1723. ruined, being our opponents in the presant controversy would be much superior in votes" *etc.* *Prays* for a day to be appointed for hearing dispute as to boundaries *etc.* *Signed*, Richd. Partridge. *Endorsed*, Recd. 11th, Read 14th Feb., 172 $\frac{3}{4}$. *Addressed*. 1 $\frac{3}{4}$ pp. *Enclosed*,

48. i. Governor Cranston to Mr. Partridge. *Gives* the reply of the General Assembly Newport, 26th Nov., 1723, to the enquiry of the Council of Trade and Plantations. States their case as to boundaries with Connecticut [v. A.P.C. III. No. 44.], and reasons for rejecting proposal for annexation to New Hampshire *etc.* (v. 17th July, 1723). *Concludes* :—Upon the whole wee humbly pray that their Lordships will beleive wee have a tincture of the ancient Brittish blood in our veines. And that we esteem our liberty and property granted by our Royall Charter equall to any Corporation in Great Brittain tho' not of like value and we hope our loyalty and conduct for the service and interest of the Crowne of Great Brittain hath no wayes merritted the forfeiture of so valuable a blessing and have faith to beleive that so long as we continue faithfull loyall and obeadient subjects to his Royall Majesty *etc.*, we shall be confirmed and protected in our rights and properties, tho' att the same time wee are not ignorant that the enemies to our present constitution take all oppertunities to misrepresent our conduct *etc.* *Signed*, Samll. Cranston Governr. *Addressed*. 2 $\frac{1}{2}$ closely written pp. [C.O. 5, 1266. ff. 137–140v.]

Feb. 13. **49.** Council of Trade and Plantations to the King. We Whitehall. have had under our consideration an Act passed in Barbados in 1723, *for laying an imposition or duty on wines and other strong liquors imported this Island, in order to raise monys for carrying on the fortifications for payment of such persons as are or shall be employ'd at the publick charge, and for such other publick uses, as are herein contained.* In which, observing some matters derogatory to your Majesty's prerogative, and contrary to the Acts of Navigation, we have taken the opinion of the Commisrs.

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of your Majesty's Customs, as also of Mr. West *etc.* According to your Majesty's 16th Instruction to your Governor, all taxes or impositions whatsoever laid upon the subjects, are to be given by way of grant to your Majesty, your heirs and successors, for the uses therein contained; But in this Act there is no mention whatsoever made of the Crown, nor is there any grant of anything to your Majesty, it being enacted by the sd. Act, that after the publication, the duties raised shall be paid to the Treasurer appointed by the sd. Act. In consequence of which, it is provided that the bonds given for the payment of this duty, are not to be taken in your Majesty's name, but in that of the Treasurer, who is empower'd to issue his warrant against such persons as don't comply with the condition of their bonds; and this power is so absolutely vested in him that it don't appear to us, that in case of misuser, the party aggrieved can have any relief by application to any Court of Justice in that Island *etc.* In the issuing the above warrants, they are not to be directed to the Marshal but to any two Constables who are to proceed in the same manner, as Marshals do at Common Law; by which the execution of such warrants is taken out of the hands of the officer in whom the ordinary course of the law has placed it. The Treasurer and Comptroller are further empower'd by this Act to summon and examine any persons whom they may suspect of having acted contrary thereto, who are obliged to answer upon oath to any questions, that shall be made either in relation to the landing, removal or importation of any strong liquors, whereby people may sometimes be obliged to accuse themselves, and will be frequently laid under a temptation of perjury, which we humbly conceive to be highly unreasonable. The penalty upon removing or landing any liquors contrary to this Act, seems to be so worded as to make the ship and cargo in which any liquors are imported lyable to a forfeiture, upon the running any small quantity of beer by any common sailor, tho' the same be done without the consent or privy of the master or owner, which we conceive to be a very great hardship *etc.* The several clauses in this Act, requiring masters of all ships and vessels to deliver in a manifest of their whole cargo, and to take out cockets and sufferance from the Treasurer appointed by the said Act (instead of the Custom-house Officer) is contrary to the Laws of Trade and Navigation, and particularly the Act of the 7th and 8th of King Wm. the 3rd by which all masters and commanders are obliged to enter and clear with the Collector and Comptroller of the Customs both inwards and outwards, and to deliver in a manifest of their cargo, and to take out cocquets and sufferances from the said officers in the same manner as they would be obliged to do in this Kingdom; and the officers of the Customs, have the same power of visiting, searching, taking of entries, and of seizing any prohibited goods, or for which any duties are payable, by any

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Act of Parliament mentioned in the said Act of King William III; whereas this Act gives all the powers solely to their Treasurer and Comptroller named by the said Act. We further submit it to your Majesty whether the duties laid by this Act upon beer, ale, cyder and perry (which are of the growth and produce of Great Britain) do not affect the British trade, in which case there ought to have been a clause inserted therein (pursuant to your Majesty's 21st Instruction to your Govr.) to prevent it's being in force till your Majesty's pleasure should have been declared thereon; which seems to us ye more necessary, because it frequently happens that Acts are passed for so short a time, that they have their effect, before they can be considered here, which is the case of the present Act. [C.O. 29, 14. pp. 387-390.]

Feb. 14.
Wms. burgh
in Virga.

50. Lt. Governor Drysdale to the Council of Trade and Plantations. Tho' I have very little to write, I would not lett this opportunity pass without transmitting to your Lddspps. the Journalls of Councell, and other publick occurrences, since the end of the last session of Assembly, and observing on them what are more immediately necessary for your Ldspps. notice. In the journall of 3rd Nov. your Lordships will find sundrey regulations with respect to the surveying of land, and sueing out patents, wherein great abuses were crept by the combination of the surveyors, and the patentees to keep lands many years under entrys, surveys, without any patent, and all the while neither paying any quitt-rents, or making any seating, or improvements, to the exclusion of others, who would have taken upp, and improved the same lands; a practise, which I hope will bee now effectually remedyed *etc.* by the due execution of the rules now establish'd. Another thing, of which I judg'd itt necessary to inform your Ldspps., is the alteration made in the journall of 5th Novr. as to the sale of the tobacco reed. for H.M. Quit-rents. I perceive that the manner of disposing that tobacco prescribed by the Governour's instructions, has for many years been discontinued, upon the experience of its inconveniency and sundry other methods substituted in itt room, and altered from time to time as the circumstances of time, and the tobacco trade required: and itt seems very good reason for the present alteration, that the selling the King's tobacco so late as the month of Aprill, and selling itt altogether at one auction, not onely gave the purchasers an opportunity of combining to beat down the price, but likewise rendred itt less valuable, thro' the uncertainty of finding freight for itt, att a time of the year when the shippes have generally engaged all their lading: and this the officers of the King's revenue found so great a discouragement to its sale, that on their representation the now alteration is made; and I doubt not will bee attended with a visible advantage to H.M. in that

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revenue. But there is a greater occasion this year, than ever, for a more early sale for the quitt-rent tobacco; for should any part of it happen to be paid in stemmd tobacco, which the planters have the liberty to doe, that would have proved an intire loss: (if unsold till Aprill generall Court) since the late Act of Parliament has prohibited any such to be imported into Great Brittain after 1st June next: and no man would venture to shipp stemm'd tobacco on ye hazard of its getting home in 5 or 6 weeks time. I have lately received their Excelleys. the Lords Justices order for the repeal of the act for the better government of convicts imported, and have issued a proclamation thereon (*inclosed*). Att the same time I received the order for remitting the rights and quit-rents in the two new counties, but by the badness of the weather have been twice disappointed of a meeting of a Councell, to publish the restrictions on which that priviledge is granted: and therefore am oblidg'd to deferr to another opportunity what may be necessary to represent to your Lddspps. on that subject. *Signed*, Hugh Drysdale. *Endorsed*, Recd. 31st March, Read 13th May, 1724. *Holograph*. 3 pp. *Enclosed*,

50. i. Account of H.M. Revenues of 2s. per hhd. *Receipts*, (including balance brought forward £2593 6s. 11 $\frac{3}{4}$ d.) £5999 10s. 8 $\frac{3}{4}$ d. *Expenditure*, £2108 19s. 6 $\frac{1}{2}$ d. *Signed* and sworn to in Council, John Grymes. *Audited by* Nathl. Harrison, Depty. Auditor. *Endorsed*, Recd. 31st March, 1724. 2 pp.
50. ii. Proclamation proroguing the Assembly to 15th May. 19th Oct. 1723. *Signed*, Hugh Drysdale. *Copy*. 1 p. *Endorsed as preceding*.
50. iii. Proclamation for publishing repeal of the Act for amending the Act concerning servants and slaves and for the better government of convicts imported etc. 18th Jan., 1724. *Signed and endorsed as preceding*. 1 p. [C.O. 5, 1319. ff. 167-169v., 170v., 171, 172, 172v.]

Feb. 17. 51. Governor Nicholson to the Council of Trade and Plan-
So. Carolina. tations. On Saturday night late I prorogued our Assembly to
Charlestown. the 10th March next and the Journalls of both houses and the laws that I have passed are prepairing with all expedition in order to my transmitting them to your Lordships, but there being a ship (God willing) now going to Great Brittain I thought it my duty incumbent on me to send your Lordps. the true copy of an Act for calling in and sinking the paper bills with an Address to his most sacred Majesty. I am in hopes that this Act will meet with your Lordps. approbation for (with humble submission) I think this Act is all that can posibly be done at this time for sinking the paper bills and that this H.M. Province can't well subsist without some sort of paper currency as likewise of the comodities wch. are sent to Great Brittain be some way

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or other made a tender or else the planter will be necessitated to make both woolen and linnen for themselves and slaves, which will in a great measure lessen the trade between this and Great Brittain. *Refers to enclosures. Continues*:—This Sessions of the Assembly has been very long, by reason of the many difficulties there were concerning the sinking of the paper bills, making the tax law and others. We are in expectation of having an accot. from the Upper and Lower Cherikees as likewise from the Upper and Lower Creeks, and next month is the time of the Indian traders coming in with their skines *etc.* and I hope some of them will be here by that time (please God) the Assembly are to meet because we may see if there be an occasion either to add or diminish from the law concerning that trade. Tho' we have had several ships and vessells that are already loaded and gone and several now loading with rice, pitch and tarr, yet I find that there is a great want at present of more ships and vessells for the said commodities but we are in daily expectation of several from Great Brittain and some from the Continent and Islands. I thank God we have had a very fine winter which has been the principal cause of the vessells being so soon dispatched. P.S. *Hopes to hear of receipt of letter of 20th Jan. etc. Signed, Fr. Nicholson. Endorsed, Recd. 20th April, Read 29th Oct., 1724. 3 pp. Enclosed,*

51. i. Report by the Commissioners for printing the paper currency as to their progress in printing and cancelling the same. Charles Town, Feb. 19, 1723(4). *Signed, Will. Dry, H. Houser. Endorsed as preceding. 1 p.*
51. ii. Address of the Council and Assembly of S. Carolina to the King. 15th Feb. 1723(4). The goods imported into this Province and the rest of your Majesty's Dominions amount to about £100,000 a year sterling though the number of taxable inhabitants do not exceed 1300; and our exports are in value very near the same, so that as we have now neither silver nor gold for a currency, it will be impossible for us to have any of either, until our exports exceed our imports in value, which we hope will never happen, because it will not be for the advantage of Great Britain or this Province. The currency of £120,000 we had before the Lords Justices' repeal, from the difference of exchange between this place and England was equal but to £20,000 sterling which being but the fifth part of the amount of our trade it could not be more than sufficient for the convenience thereof. The Government of Rhode Island that seldom sends a ship to Great Britain has 90,000 pounds in paper money, which according to their exchange with Great Britain is equal to about £30,000 sterling, and which is upon no better foundation than the currant bills of this Province:

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and indeed it is impossible in these parts of the world to settle such funds for paper currency as is done in Great Britain, for which reason they are made payable in the taxes and duties provided to defray the charges of the Government, and a tender in law by which they are always current without any discount. We hope we have complied with their Excellencies' repeal and letter, 27th Aug. and 5th Sept., as will appear by an Act for *calling in and sinking the paper bills etc.*, now transmitted for your sacred Majesties Royal approbation. We are apprehensive that what contributed most to the late repeal was that the laws for establishing the paper currency provided for sinking them which is what our neighbouring Governments upon the Main took care not to do, well knowing that when their paper currency was but sufficient for the convenience of their trade, whatever they sunk of it must be supplied by making more. As this Province is the southernmost frontier of your Majesties northern Dominions in America both in respect to the French and Spaniards and their Indians who are using all possible ways and means to set their Indians on ours and to get our Indians and trade to themselves which if not timely prevented may prove of fatal consequence not only to this but other your Majesties adjoining Colonies, and as this Colony furnishes great quantities of naval stores for the service of your Majesties Royal Fleet and the ships and other vessels belonging to Great Britain. We most humbly pray your most sacred Majesty to take the premises into your Royal consideration, and to permit us to pass a law to establish a paper currency to the amount of £20,000 sterling upon the same foundation with that of our neighbouring Governments without which the trade of this country must greatly suffer *etc.* *Same endorsement. Copy. 1 large folded p.*

51. iii. List of 12 public and 9 private Acts of S. Carolina passed 15th Feb., 1723(4). *Signed*, Fr. Nicholson. *Same endorsement. 1 p.* [C.O. 5, 359. ff. 132-136v.; and (abstract of covering letter) 5, 406. pp. 12, 13.]

Feb. 20. **52.** Mr. West to the Council of Trade and Plantations. Has no objection to the three Acts of Barbados sent him 7th Jan. *Signed*, Richd. West. *Endorsed*, Recd. 20th Feb., Read 11th March, 1723 $\frac{3}{4}$. 1 p. [C.O. 28, 18. ff. 48, 49v.]

Feb. 20. **53.** Mr. Popple to Mr. West. Presses for reply to Jan. 8. Whitehall. [C.O. 153, 14. p. 125.]

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- Feb. 21. **54.** *Same* to W. Nivine. Enquires for Commission for trying pirates sent to England by the executors of the late General Hamilton *etc.* [C.O. 153, 14. pp. 125, 126.]
- Feb. 21. **55.** Order of King in Council. Referring to Committee of St. James's. Council Excise Act of Barbados, 1723, and representation thereon of 13th inst. *Signed*, Temple Stanyan. *Endorsed*, Recd. 29th Feb., Read 1st April, 1724. 1 p. [C.O. 28, 18. ff. 52, 53v.]
- Feb. 21. **56.** Order of Council. Referring to Committee Act of Whitehall. Virginia for laying a duty on liquors and slaves. *Signed and endorsed as preceding.* $\frac{3}{4}$ p. [C.O. 5, 1319. ff. 44, 45v.]
- Feb. 24. **57.** Mr. West to the Council of Trade and Plantations. I have no objection to the Acts of St. Christophers (1) for quarantine, (2) for regulating vestries, *etc.* *Signed*, Richd. West. *Endorsed*, Recd. 25th Feb., Read 6th March, 1724. 1 p. [C.O. 152, 14. ff. 235, 236v.]
- Feb. 24. **58.** John Barker, Engineer, to Lord Carteret. Having been employ'd by the Office of Ordnance at Carolina, on my returne I visited the Bahama Islands. *Encloses following report, which he intends to deliver to the Board of Trade. Continues:* The interest your Lordsp. has in them, all the world is perswaded, wou'd be one of the last motives of yor. Lordsp. concerne or regard for them, but when that becomes one with the service of H.M., and the preservation of his subjects, your Lordps.' zeal for both is too well known to leave anything undone *etc.* *Signed*, J. Barker. *Endorsed*, R. 26th Feb. 1723. 2 pp. *Enclosed*,
 58. i. *Same to Same.* Report upon the advantages of the Bahama Islands. Recommends fortification of Providence Island and submits plans for that purpose *etc.* *Signed*, J. Barker. $2\frac{3}{4}$ pp. [C.O. 23, 13. ff. 159, 159v., 160v.-162.]
- [Feb. 25.] **59.** Proceedings of the Harbour of St. Johns on 26th Nov., 1723. "Men being by nature all free, equal, and independent, no one can be put out of this estate, and subjected to the political power of another, without his own consent. The only way whereby anyone devests himself of his natural liberty, and puts on the bonds of civil society is by agreeing wth. other men to joyn and unite into a community, for their comfortable, safe, and peaceable living one amongst another, in a secure enjoyment of their properties, and a greater security against any, that are not of it. This any number of men may do, because it injures not the freedom of the rest; they are left as they were in the liberty of the state of nature. When any number of men have so consented to make one community or Government, they are

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thereby presently incorporated, and make one body politick, wherein the *Majority* have a right to act and conclude the rest." *Quoted from Locke's Essay on Civil Government, p. 256. 4th Edition etc.*

A copy of the writing whereby the majority of St. Johns enter'd into a community *etc.* Whereas the inconveniences are many, and the losses very considerable which the inhabitants of this country, in general, but of this port more particularly, sustain from a multitude of men of desperate fortunes. And whereas the Act of Parliament for the regulation of the Fishery, has not made any provision for the security of such as remain upon this island after the fishing ships are departed hence. And whereas many wicked and malicious men take an advantage herefrom, that no Civil Magistrate is settled here to restrain their vices and to punish their insolences and rapines. And whereas frequent burglaries are committed, cattle stoln, merchants insulted, servants cajoled to leave their masters without just cause or grievances and many trespasses and acts of wrong are daily committed, to the prejudice of those that endeavour at an honest living. We the underwritten Minister, merchants, factors, principal inhabitants and housekeepers, or masters of families, being the majority of this place, do hereby under our hands and seals, indent, engage and agree to enter into an association, and embody ourselves into a community for the mutual preservation of H.M. peace, and the protection of us and ours, during the winter, that is, until the arrival of a British fishing ship in this harbour. And moreover, that our honest intentions may not be liable to any misconstruction, we here unanimously declare, and testify by these presents, that we most heartily agree to guide ourselves, and others by the laws of Great Britain, both as to the allegiance which is due to our rightful and lawful Sovereign King George, and also as to that law of equity which the King's Courts distribute, without favour or affection, prejudice or partiality to any one person whatsoever. Hereby we conceive that vice may not only be punished, but virtue promoted, the honour of God maintained, and the joynt interest of this place advanced. We likewise oblige ourselves to leave this affair to the management of three men, to be annually elected (upon the departure of the last ship from hence) by the majority of the subscribers hereunto. We likewise oblige ourselves joyntly and severally, our heirs executors and assigns in the penalty of £50 to be levy'd by the majority, and disposed of as they shall judge proper, upon the failure of our complying with those articles which we shall sign. Given under our hands and seals, *etc.* *Signed*, John Jago, Chaplain, John Gerard and 49 others (of which, 14 illiterates).

The three men chosen Justices by the majority of the subscribers are John Jago, Chaplaine, Samuel Rooke, Allyn

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Southmayd, merchants. Knowing that many people wanted to be heard in cases of complaint, they gave the following advertisement fixt to several publick places of the Harbour *etc.*—Dec. 24th, 1723. This is to give notice that a Court will be holden at ye house of Mr. Southmayd on Monday next, *etc.*, when those that are grieved may be heard by us. *Signed*, John Jago, Samuel Rooke, A. Southmayd. The first complaint, that was brought, was by Ann Levering agt. John Hugo, for detaining some goods of hers. He was summoned to appear. Hugo answer'd that she owed him some money. Hugo was ordered to deliver her the goods, upon her signing an obligation of paying him 15*d.* 14 *other cases, between this date and 25th Feb., 1724. Endorsed*, Recd. from Commadore Boulter, March 25th, laid before the Board, April 9th, 1725. 12 *pp.* [*C.O.* 194, 7. *ff.* 246, 247–252*v.*]

- Feb. 26. 60. (a) Deposition of Parabow Skynner, of London, Merchant. On Aug. 1721 he was employed by the Bahama Society as one of their factors to go to the Island of Providence, *etc.* In March 1722 he shipped on board the sloop *Hester*, Capt. John Marshall, owner and captain, merchandize to the value of £2000 sterling, and sailed to the Havana, where he asked permission of the Governor to wood and water, who refused to allow them to come into port, but said they might take it on the coast. This they did at Buena Vista, and bought provisions there but did no trade. After trading with some of the French settlements in the Mississippi, they were seized off Cuba by two Spanish sloops, Capt. Antonio de Mandieta, who had a Commission from the Governor of Havana only to take pirates. A prize crew put on board the *Hester* and plundered their chests. They were carried into the Havana where the Governor condemned the *Hester* and cargo, and committed deponent, Capt. Marshall and John Hall, his mate, to prison. After lying in close prison from July to December, 1722, they were sent to Cadiz, where they were kept in the common gaol without the least subsistence, (not even water, except what they could procure at their own charge,) Feb.–August, 1723, when they obtained their discharge. They have not been able to obtain any satisfaction for damages amounting to 30,000 pieces of eight. Upon Capt. Marshall's appeal home to the King of Spain and Council of the Indies from the sentence passed by the Governor of Havana, the said Governor obliged the capturer of the *Hester* to give in security for double the appraise-ment of said sloop and cargo, in case his sentence should be reversed. *Signed*, P.G.P. Skynner. *Copy.* 2½ *pp.* [*C.O.* 23, 13. *ff.* 163–164*v.*]

- Feb. 26. 61. (b) Petition of John Marshall and Parabow Skynner to Lord Carteret. *Pray for redress for damages received as above.*

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“ All the pretence advanced against was that Capt. Marshall had landed three men with twelve barrells of flower and eight hats with a chest of medicines on said Island, whereas the whole truth is that three passengers left the sloop on the coast of Cuba with said goods, intending to settle there” *etc.* *Signed*, John Marshall, P. G. P. Skynner. *Copy.* 2 pp. [C.O. 23, 13. ff. 165, 165v.]

Feb. 26. **62.** (c) Deposition of John Marshall. To same effect as (a) above. *Signed*, John Marshall. *Copy.* 2 pp. [C.O. 23, 13. ff. 166, 166v.]

Feb. 26. **63.** Deposition of John Marshall, of Jamaica, formerly master and owner of the sloop *Greyhound*, which, in Nov. 1718, was cast away upon the Islands of Tortugillas, 40 leagues N.N.W. from the Havana. With great labour deponent saved part of his cargo (consisting chiefly of English woollen cloth, to the value of 3300 pieces of eight), and got to the Havana in his canoe. He obtained leave from the Governor to hire a canoe to bring back that part of the cargo he had salvaged, and did so, whereupon the Governor seized it *etc.* *Signed*, Jno. Marshall. 1 p. [C.O. 23, 13. ff. 167.]

Feb. 26. **64.** Lord Carteret to the Council of Trade and Plantations. Whitehall. Having laid before the King your Lordships letter of 18th Dec. *etc.*, H.M. hath commanded me to refer several points contained therein to your further consideration; particularly as to the survey of *Nova Scotia*, what progress hath hitherto been made therein, and what the charge thereof hath amounted to *etc.*, as likewise in what manner the survey may be most conveniently perfected, and in what compass of time. H.M. being of opinion that the care and preservation of his woods in that Province, is a matter of importance, and, if put under a proper management, may be of great benefit and advantage to the publick, doth likewise direct you to inform yourselves of the best method for setting out the number of acres of wood to be secured for H.M. service, and to consider of the most effectual means for preserving the said woods. And that you make inquiry concerning the proposals, which may at any time have been made by persons who are willing to settle the lands in *Nova Scotia*, and report your opinion upon what terms it may be proper to admit such persons to undertake the settling thereof *etc.*, with whatever else shall occur to you *etc.* *Signed*, Carteret. *Endorsed*, Recd., Read 27th Feb., 172 $\frac{3}{4}$. 2 $\frac{1}{2}$ pp. [C.O. 217, 4. ff. 205-206v.]

Feb. 27. **65.** Mr. Popple to Mr. West. Encloses, for his opinion in Whitehall. point of law, Act of Barbados, Dec. last, to raise a levy *etc.* [C.O. 29, 14. p. 392.]

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 Feb. 27. **66.** Governor Shute to the Council of Trade and Plantations.
 Pellmal. Has directed Mr. Newman to apply *as in following*. *Signed*,
 Samll. Shute. *Endorsed*, Recd. 28th Feb., Read 3rd March,
 1724. 1 p. [C.O. 5, 869. ff. 5, 6v.]
- Feb. 27. **67.** Mr. Newman to *Same*. *Recommends* Jotham Odiorne,
 Middle Temple. for the Council of N. Hampshire, in place of Col. John Plaisted
 who desires to be excused serving. He is a person of known
 loyalty as well as interest in the province *etc.* "The Clerks of
 the Council think it not in their power to make out a separate
 warrant for Mr. Frost who was appointed at the same time as
 Col. Plaisted." *Asks therefore* that warrants for the future may
 be granted separately *etc.* *Signed*, Henry Newman. *Endorsed*
as preceding. 1 p. [C.O. 5, 869. ff. 7, 8v.]
- Feb. []. **68.** Sir Edward Gould to [?Lord Carteret]. *Repeats a*
 From my request for a letter of recommendation for William Raymond
 house in of Barbados to Governor Worsley for his protection in the way
 Gloucester of trade *etc.* *Signed*, Edward Gould. 1 p. [C.O. 28, 44.
 Street. No. 66.]
- [Feb.] **69.** Governor Philipps to Lord Carteret. The situation
 and state of Nova Scotia *etc.* *Description*. Most of the French
 inhabitants have their settlements upon the isthmus which
 joins the East and West parts of the Province. These are
 divided into four colonies, in number about 500 families, besides
 another settlement of 100 families about Annapolis Royal *etc.*
Fort and garrison of Annapolis Royal described, and coast from
 Cape Sables to Cape Canso, which "affords more fine harbours
 than any known coast of that extent." *Harbour of Canso*
described, which, "if encouraged with the protection of the
 Government, will become the most considerable of any port in
 America," by reason of its natural advantages and its
 propinquity to the Banks of Newfoundland and Nova Scotia.
 "For its present security, the Governour has caused a small fort,
 and a battery for 12 guns, to be raised at his own expense, which
 battery, during the season of the fishery, is mounted with the
 guns of the shipping, and a garrison of 4 companies is placed
 there with 3 pieces of cannon drawn from Placentia. N. of
 Canso harbour is the Bay of Shedeboucto," so called from the
 harbour which lies in the bosom of the same, which from being
 extreamly beautifull and pleasant, has lately obtained the
 name of Milford Haven. Here is a most agreeable situation
 for a settlement, convenient for building of vessells, on the
 banks whereof all materialls for that purpose are in great plenty
etc. From the Gut of Canso, or Passage of Fronsac (*described*),
 one enters another small bay, in the bottom of which is the
 general rendezvous of the Indians at certain seasons, and the
 residence of their Missionary, where he has a chappell richly

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furnished in a delightfull countrey. The point of land, which forms this Bay to the northward is called Cape St. Lewis, which when weathered, a westerly course leads along the coast into Bay Vert *etc.* By this way those French inhabitants before-mentioned drive a clandestine trade with Cape Breton, whither they convey most of their yearly produce of cattle and corn in exchange for the manufactures of France. In this Bay lies the large Island of St. John's, which is now settling with inhabitants transported from Old France, tho' their title to it when examin'd by the Treaty of Utrecht will be found precarious. What is further wanting to a perfect description of the last division of the Province usefull to mariners, is an exact survey of the severall harbours, soundings and bearings of land to direct their entrance, which is a work in hand, and had been now near finish'd, had it not been diverted by the breaking out of the Indians into hostilities, which obliged the Governour to employ the vessell he built for the surveys of the coast, to chastise those people and to relieve H.M. subjects and their vessells, which they had surpriz'd in the severall harbours, as likewise in fetching provisions from New England to supply the loss of those cast away in the voyages from hence, by which means the garrisons were twice preserved from starving. The coast of the west division of the Province from the Bay of Fundy to the confines of New England, having never been survey'd, and known only by a few sloops, trading between Boston, and Annapolis Royall, any description thereof at this time will be imperfect, nor will it be very materiall till the East Division shall be first settled, which is better situated for trade: only thus farr it is known, to have many good harbours, and quantities of good timber in many parts, particularly of masting for the largest ships, which growing near the water, may be furnish'd to the Navy vastly cheaper than what are now brought from New England. The present state of the Province stands thus, vizt. The French who are settled on the istmus, and the River of Annapolis Royall are the old inhabitants greatly multiplied since the surrender of the Province to the Crown of Great Britain, at which time it was stipulated in their behalf, to have their choice either to remain in the Province, if they would transferr their allegiance, or in case of the alternative, to dispose of their estates and effects to the best advantage. To determine which, one year's time was allow'd them, but at the expiration thereof finding their new masters in no condition to oblige them to the observance of one or the other; they have remain'd upon their possessions in contempt of the Government, waiting the opportunity of a rupture between the two Crowns to re-establish their former Government, and in the mean time are daily in secrett, inciting the Indians to robbery and murder, to the destruction of trade, and hindrance of settling the country. They are seated on a fertile soil, and raise great store of corn,

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and cattle, with which, and their furs, they traffick at pleasure with the neighbouring French Colonies at Cape Breton, and Island of St. John's, and have refus'd supplies to the garrisons in the greatest necessity. The Fort of *Annapolis Royal* is quite gone to decay; more than one third of the ramparts being at this time levell with the ground, and the garrison exposed to the danger of being surpriz'd by the enemy without, and of being buried in the ruins of their barracks within. A thorough repair thereof is by no means adviseable, in regard that a new fort of smaller dimension may be built at less expense, which the circumstances of that post will admitt of. *Canso*, the frontier of Nova Scotia towards Cape Breton within the distance of six leagues, which has all the appearance of becoming a place of vast consequence to the trade of Great Britain, whereon the French had fixed a wistfull eye, has no other defence, but what the Governour has made at his own charge for the present security of that growing settlement, and to cutt short the French in the groundless pretension, they had formed to that place. It being part of the Governour's Instructions, that no land in that Province shall be given away in property to any persons, till such time as by a generall survey a certain number of acres of the best wood lands be mark'd out for H.M. service; the settling that Province cannot commence before that Commission be executed, tho' never so many families should offerr themselves in the mean time. Another very unhappy circumstance in the present state of that province, is from the want of ways and means for raising the least supply (tho' it were but a shilling) and the safety of the Government depended upon it, in which case, the person intrusted with the administration must thro' necessity be inactive; or if he disburses his own money, or pawns his credit in the service; he becomes an unthank'd solicitor at home. *Remedies proposed*:—(i) That a fort be built on the isthmus to cutt off the communication between our French inhabitants and the neighbouring French Colonies, which will subject them at all times to obedience, and is humbly presumed to be better policy than, by driving them out to strengthen the French Colonies with the addition of such a number of hands; or if the alternative be thought more adviseable, the said fort will be a protection to such of H.M. subjects, as shall settle in their room; and in either case the expense may be made good, by raising a tax on the people, if they stay; or selling their improv'd lands if they remove. This fort will likewise be a great check to the Indians, by preventing the joining of the East and West clans, when they design mischief. (ii) That a fort be built at *Canso*, both for a frontier post against Cape Breton, where the French are making themselves exceedingly strong, and a protection to that Fishery, which has already paid the charge it will cost in the returns home of the fish, which has been exported in these last three years from thence. (iii)

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The fort at Annapolis Royal to be new built, but lessen'd to contain half the present garrison. The quota of troops necessary ; for the fort on the isthmus, 200 ; fort at Canso, 200 ; for Annapolis Royal, 100, of which the nine companies now there make 360 *etc.* (iv) That a Surveyor be ordered over, or some person now there be commissioned to perform that service, and remove the barr which obstructs the settlement of that country. (v) That a provision, by way of contingent money may be appropriated, as to other Governments, for necessary services, till such time as the Province shall be able to raise funds within itself for it's own support *etc.* *Prays for payment of disbursements already made etc.* Signed, R. Philipps. Endorsed, Given in by Governor Philipps in Feb., 172 $\frac{3}{4}$. 6 $\frac{3}{4}$ pp. [C.O. 217, 38. No. 5.]

March 3.
Barbados.

70. Governor Worsley to Lord Carteret. *Acknowledges* letter of $\frac{31}{20}$ Oct. *Continues* : Nothing can be so great a satisfaction to any gentleman who has the honour to serve H.M., as H.M. approbation of his conduct ; this must be particularly so to me, since my determination in relation to Mr. Cox, has been endeavour'd to be represented here as partial and arbitrary, even by one of the Counsellors, Mr. Lightfoot, as your Lordship will see by the inclosed paper. This indeed I then overlook't and took no notice of, considering it as a rash expression from a Gentleman who had been very much embark't in Mr. Cox's intrest, but he has since continued in the same strain, as your Lordship will see in the Minutes of Council of 31st Dec. 1723, herewith transmitted, in his 5th reason against the bill for paper credit, his words are these : "Because this paper mony now proposed is as I apprehend, enforced upon penaltys too severe for any other than an arbitrary Government." However as this Act had passed the Assembly with a nemine contradicente, and none of the Council had objected to it but this Gentleman, and as I took all the precaution imaginable it should not have its effect till approv'd and confirm'd by H.M. ; I waved takeing any notice of it, till some days afterwards looking into the Acts of the Colony of New York I found one passed in 1715 *etc.*, by which the currency of bills of credit were enforced there, upon the same, and much severer penaltys than this is, and finding H.M. had been graciously pleas'd to approve and confirme that Act ; I thought it my duty to take notice of Mr. Lightfoot's objections another Council day ; which I did the 22nd of Jan., 172 $\frac{3}{4}$, by first having the clauses of the New York Act read in Council, and then I told Mr. Lightfoot, that I thought by his 5th objection, he charged H.M. with being arbitrary, but that I believ'd he was ignorant of there being such an Act, and the confirmation of it ; and I did several times ask him, whether, nevertheless he still insisted that his dissent should be entred as his opinion, in the Council books ; Mr. Lightfoot said that

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his dissent had been order'd to be enter'd in the Council books, and he insisted upon it, for that he looked upon his reasons to be very good, and that he had already sent them to four of H.M. privy Counsellors, in the number of whom were the Duke of Newcastle and the Earl of Berkley; Upon this consideration, tho' there was some debate whether he should be suspended or not, I would not suspend him, but only thought fitt to represent it to your Lordship to lay before H.M., to have his commands upon it *etc.* *Refers to Minutes of Council.* I have endeavour'd to the utmost of my power to avoid making complaints, and think I have overlook't very just grounds for such; for in January last Capt. Cooper forced a man from the shore and carried him on board H.M.S. the *Lynn*, for having given him ill language, where he kept him in irons about two nights and a day; when he sent him on shore; upon Captn. Cooper his coming to me and telling me he did not justify this action, but that the abuse he had receiv'd was so great, and no majestrate being in the way, in his heat he had order'd him on board, not meaning thereby any insult to the Government, for whom he had the greatest regard: I communicated it to the Council, who joyntly with me were willing to pass it over: Captn. Cooper tells me he is sent hither to attend the service of this Island, yet he refuses to communicate his instructions to me and the Council; however he tells me he is order'd to advise and consult with us, which I cannot allow of, till I know by what legal authority he is so to consult and advise; and the Council is of the same opinion: some days after, Capt. Cooper sent a letter by his Lieutenant, directed to me and the Honbles. the Members of H.M. Council; as I could not open it but in Council, I bid his Lieutenant carry it to the Clerk of the Council, whose business it was to receive all papers that related to the Council, and afterwards I order'd my Secretary to tell Captn. Cooper the same, but as he sail'd from hence without sending any letter there, I acquainted the Council with what had passed upon this head, who were unanimously of opinion, that the Secretary should write to Captn. Cooper signifying, that if he was sent for the service of this Island, and did not think it proper, or conformable to his instructions, either to shew his instructions, or to write to me; that whatever he should write to the Governour and Members of the Council, in relation to that service, ought to be lodged with the Secretary, who being Clerk of the Council board, would take care to lay it before the Governour and Council: I should not have troubled your Lordship with a relation of this nature, was it not for the answer Captn. Cooper sent to the Secretary (encl.), which as it is in the nature of a complaint against me, I have the honour to represent the plain matter of fact in my owne justification *etc.* *Refers to Minutes of Council 31st Dec., and encl. Continues:—*H.M.S. the *Salsbury*, Captn. Samuel Brath-

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wait Commander, for want of provisions, having put in here on his way home from the East Indies; I order'd the Officers of H.M. customs to use the same dilligence as they did with H.M.S. *Exeter*; and they return'd me the inclosed certificates *etc.* Signed, Henry Worsley. *Endorsed*, Rd. 6th May. 7 pp. *Enclosed*,

70. i. (a) Certificate by Customhouse Officers, Barbados, that H.M.S. *Salisbury* carries only goods and liquor for her own use. 3rd March, 1723-(4). Signed, Hen. Lascelles, Collr., G. Maxwell, Searcher, Richd. Goodricke.

(b) Receipt for goods received on board H.M.S. *Salisbury*, being salvage from the wrecks of the *Chandois*, *Nightingale*, and *Addison*, for the account of the East India Company. Signed, Saml. Brathwait. Barbados, 20th Feb., 1723 $\frac{3}{4}$. Copy. *The whole*, 2 pp.

70. ii. (a) Secretary of Barbados to Capt. Cooper. Secretary's Office, 28th Feb., 1723(4). *Described in covering letter*. Signed, Nicholas Hammond.

(b) Capt. Cooper to Mr. Hammond. *Lynn* in Carlile Bay, 29th Feb., 1723 $\frac{3}{4}$. *Reply to preceding*. Without the greatest indignity done to the Lords Commissioners of the Admiralty, I cannot consent to farther correspondence with H.E., till such time as I shall receive their Lordships' commands, having been obliged agreeable to my Instructions to acquaint their Lordships that H.E. would not permit me to consult with him and the Council, and refused receiving a letter from me *etc.* Signed, F. Cooper. Copy. *The whole*, 1 $\frac{1}{2}$ pp.

70. iii. Mr. Lightfoot to Governor Worsley, 4th July, 1723. Complains that Mr. Fort and Samuel Palmer are trying to suborn his overseer to swear against him. Admits that at his own table he may have said that nothing could hurt Mr. Cox, if he had impartial justice *etc.* Has testimonials in his favour by leading men in England *etc.* Signed, Richd. Lightfoot. 1 $\frac{1}{2}$ pp. [C.O. 28, 44. Nos. 67, 67 i-iii.]

March 3. Barbados. 71. Governor Worsley to the Council of Trade and Plantations. Repeats preceding letter. *Endorsed*, Reed., Read 7th May, 1724. 7 pp. *Enclosed*,

71. i-iii. Duplicates of preceding enclosures i-iii. [C.O. 28, 18. ff. 64-68v., 69v.-70v., 71v., -72v., 73v.]

March 4. Whitehall. 72. Mr. Popple to Mr. West. Encloses, for his opinion in point of law, Acts of New York, 1721, to *impower Gilbert Livingston to sell certain land, etc.*, and for *exempting Gilbert Livingston from paying £300 due from him for the Excise farmed by him*. [C.O. 5, 1124. p. 331.]

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 March 5. **73.** Mr. Burchett to Mr. Poppie H.M.S. *Argyle*, *Ludlow Castle* and *Solebay* being designed convoy to Newfoundland this year, and Captain Bowler, Commander of the *Argyle*, being the Commodore, asks for Instructions and Heads of Enquiry for him *etc.* Signed, J. Burchett. *Endorsed*, Recd. 5th, Read 10th March, 1724 $\frac{3}{4}$. *Addressed*. 1 p. [C.O. 194, 7. ff. 217, 218v.]
- March 4. **74.** Governor the Duke of Portland to [?Lord Carteret].
 Spanish's Admty's Office.
 Town. Having in my last *etc.* mentioned my having been indisposed *etc.* I can with a good deal of satisfaction, now acquaint your Lordship, that I am perfectly recovered, and that I have ever since, used my best endeavours to promote everything for the service of H.M. subjects here, with a just regard to his commands, and the Instructions, I have received, but have been sorry to hear that two ships which sailed last April, by which I had sent several letters to England, and particularly, answers to things recommended to me by your Lordp., had fallen into the hands of pirates, and all the letters flung into the sea. Those ships having the reputation to be the best sailors, vizt. the *African Packet* and the *Fellowship*, had my letters on board and they depending upon their sailing, leaving the rest of their company had the misfortune to be rifled, when the rest, who kept together, all got home safe. What I sent then, was an answer to Mr. Coleman's petition, as also an answer to your Lordp's. letter, and the merchants' petition concerning the coin. I sent then also an Address of Thanks to H.M., from the Council, about the warlike stores, he was graciously pleased to order should be sent hither, and arrived safe here, which I send inclosed again, and also the opinions only of the Committee of Council to whom I had referr'd the consideration of Mr. Coleman's and the Merchants' Petition, not thinking it at all material to trouble your Lordp. with an entire copy of my lost letters. I acquainted your Lordp. then also upon what a dismal foot I found the publick credit, that all orders of Council which are here the only paper credit were commonly at 40 or 50 pr. et. discount, and often more, the Treasury constantly without money, and an entire stop to all manner of publick business; the remissness, negligence, I may say abuse, in every part that related to Government can't well be described. Justice was likewise neglected, except where partiality got the better. I have with a good deal of application, which has been attended with many difficulties, overcome this. Credit is upon a good foot, orders of Council being at par, and the Treasury supply'd whereby a great part of the publick debts have been lessened, that of my Lord Archibald Hamilton's in particular, and hope the remainder will be clear'd in a short time. The accounts will shew that there has been received and paid more money since I have been here, than what has been for some considerable time before, and the inclosed paper concerning credit will shew your Lordp.,

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what a tedious and troublesome piece of busyness this has been ; As to my delay of Justice, I hope nobody can be uneasy since my arrival, having dispatched some time ago, all matters depending in Chancery before me, where I commonly sit every fortnight, and continue sitting day after day, till the Council at the Bar tell me they have no more busyness to offer. *Refers to* letter and papers concerning the behaviour of Capt. Laws, Commander of the *Mermaid* man of war *etc.* *Continues :* The behaviour of all the Capts. of men of war, from the first to the last, if strictly inquired into, is not to be justified. They put the Government at home to a vast unnecessary charge, in a most astonishing manner *etc.*, and if they continue as they do now, will be the destruction of this Island, and if one seems to take the least notice of what they do, tho' it be the most irregular thing in the world, their answer is, that they are independant, equal to the King's Governours, and above the Council. They never will attend any Court of Admiralty, insisting to take place of everybody, which occasions great inconveniencies, and which the Council is not inclined to give up, their prior right being determined by the Act which establishes that Court, and nominates all Counsellours and others before them. I would say more, but that it might look as if I had some private ends in representing this, but do declare upon all that is valuable that nothing but my regard for the publick service, obliges me not to conceal what one may venture to call so gross an abuse which will, and must be attended with many ill consequences. I don't pretend to say, how it should be rectified, but as it is now, it is not to be look'd at with any tollerable patience. *Repeats his* treatment of Capt. Laws *etc.* *Continues :—*Being at last prevailed upon by the repeated importunity of his friends, to write to me in a way of submission, having H.M. service in view, I immediately ordered him to be put at full liberty, and stop'd the prosecution the Council had begun against him. He is now returning home. I don't desire to have anything done against him, but hope, and must press it, that one may be protected from abuses, and wish the just foundation of what I have represented concerning the behaviour of the Captains of the men of war might be removed. I also send your Lordps. copys of the letters, concerning the pirate *Cassandra*. I cannot account for the behaviour of the man of war, it is surprising, that when the *Cassandra* came out of the place where she had lain, the man of war who had been in the very way, all the time, should just then, have altered her station ; the whole management and transaction is something very inconsistent, what is most remarkable, is, that a brother of the Captain of the man of war, who was not any chief Officer on board, was the person entrusted with the negotiation, and always told the pirates, that nobody here could shew mercy, and that it was only the Captain of the man of war who was his brother that had it in

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his power. This proceeding gives ground to strange suggestions, and the reports about it have been very odd, but as it is not in my power to examine into it, and durst hardly speak of it, without drawing inconveniencies, upon me, all I can do at present is, to acquaint your Lordp. with as true a state of the case as I can, so that it may, if thought necessary, be examined into at home ; It has been affirmed to me that the Captain who is Captn. Laws, has whilst here in port, kept some of his under officers whether gunner or boatswain, I can't well tell, in close confinement, and in irons on board his ship, for fear, that in case they came on shore they might tell stories ; I have writ to the Governour of Panama concerning the pirate, (*copy enclosed and his answer*). But writing signifies little or nothing, particularly where their own private interest is affected ; give me leave to offer it as my opinion, that without your Lordps. care at home, and insisting to have the subjects of England protected from the Spaniards and also the French in their Navigation, all writing here is to no effect, and the damage they do to ships coming from or going to England, and also to ships coming from Guinea is so considerable, that it deserves to have particular notice taken of it. There being a vacancy in the Council, and having been at a loss who to recommend, I think I am now under an obligation to represent to your Lordp. that a Gentleman is coming over, who I prevailed upon before I left England to resign his place in Council in favour of one Collo. Campbell who your Lordp. spoke to me about as being recommended by the Duke of Argyle and my Lord Ilay, *etc.* That gentleman whose name is Mr. Samuel Moore, being then undetermin'd whether he should return hither, consented to make room for Collo. Campbell, but as that Mr. Moore is returning, his affairs requiring his presence, he having been of the Council, resign'd only out of a complement, very well qualified for that post, and related to many of the top persons here, some of them in the Council, particularly his brother, and his brother in law, I think there can be no objection to his being restor'd, in the room of one Captn. Morant, who resign'd upon accot. of his age, and indispositions, and who since is dead. I hardly see how I can omitt making him that complimt. as soon as he arrives, without disobliging him, and his relations. If I can delay it, till I hear from your Lordp. I certainly will, but in case I find it is expected, not only from him, but his friends, and he being an unexceptionable person, I hope my restoring him again will be approved off, it being requisite here, to neglect no opportunity of distinguishing those, who are friends, and well affected ; I must also intreat your Lordp. that none may be nominated but those whose names I shall transmit as soon as I can be satisfied that they are proper, those who were spoke off and recommended before I came away, have been strongest opposers of everything I have proposed for H.M. service. I was at a loss at the last prorogation of the

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Assembly here, having just then received H.M. letter with notice of the laws being rejected, whether it was proper for me to give my assent to some bills that had passed the Council, and Assembly, particularly one, that was a money bill, wherein they make an appropriation for the discharging several debts, and also to pay my additional salary. I pressed it home upon the Council, and at last the Attorney General was called in; It appears by the Council Minutes that they all thought it advisable, and particularly Mr. Attorney, for me, to give my assent to them, that the not passing of those bills being money bills would in the highest degree, expose, and distress the Government, and could find no reason that ought to weigh with me to make any objections or entertain the least scruples about them. I hope the caution I used, nor my behaviour will be disapproved of. Since that time, the Assembly has met again, and all the time of their sitting, no pains or labour of mine has been wanting to make their proceedings as conformable as was possible to H.M. intentions, and according to my instructions; They have past a bill for perpetuating their laws, and making a provision for the support of the Government, and also one for giving me an additional salary with a fund to it. I try'd my interest, and made use of the best, and strongest arguments I was master off, that a draught of the bills should be sent over, or at least a clause inserted that they should not have any effect untill H.M. pleasure was signified, but all my management was in vain; They alledged, and objected the prejudice, and inconvenience such a precedent would lay them under, that the introduction of it might be attended with ill consequences, That if admitted or readily complied with, it might be insisted upon, on other occasions; That their distance, considering what hazards, and dangers it might expose them to, was unanswerable; They are encouraged to support this argument by former proceedings, saying that it has been attempted before, and that the strength of their objection or reason, had always prevailed, however I flatter myself, and hope that I have paid all the obedience that could be to H.M. commands, and my Instructions, and have also supplied the want of what I endeavoured for, by not giving my assent to those bills, and by transmitting them to know how they will be approved off at home, as also to be informed of H.M. sense and pleasure, I did likewise insist that the Council should give me their opinion in writing, upon some questions that might arise relating to those bills, of which I send your Lordp. also a copy. I have adjourned the Assembly for six months, and if the answers don't arrive by that time, shall continue to do so, to prevent the consequences of a prorogation which would be putting an end to those bills. I must own that I can't foresee any material objections to the bills, if any at all, but what may be easily answered; I must first take notice that there seems to be a small

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mistake or error in the stating at home the former Revenue, which is computed but at £4913, whereas by the examinations I have gone through with a good deal of care, first by a medium of five years, then of seven and at last of ten, I find what was given to the Revenue to amot. to £5371. 12s. 7d. So that to support the annual expence which is computed at £8062 pr. ann. there is wanting £2691, for which they have made a full provision, by adding to the Revenue all the additional duty's, except that upon negroes, which dos amount to at least £1600 pr. ann., and to make good the remainder which is near £1100 pr. ann. have reduced the duty's upon the importation here of all sugars and indigo, which will by all the information of experienced people bring in much more to the publick, than the summ it is given for, it may be objected that so far as it relates to the French, it is a prohibited trade, and ought to be discouraged, it may also be said that it may perhaps be precarious ; As to the first, the answer is plain, that there is nothing in this, that can be taken to favour the French, and that notwithstanding the strictest prohibitions by law, to stop that trade, no power has hitherto been able to prevent it, or can it in this Island ; all the men in it not being sufficient to secure the many places they find to run it in. As to the precariousness of it, experience demonstrates, what vast quantities have at all times been exported from hence, without the least advantage to the Island, whereas, by making the duty lower than the charges they are at, in running, it will be a good support and branch of the Revenue, besides, it does not seem to me to be our interest to prevent it, whilst it is carried on in English vessels, or ships, it appears that we must be gainers by it, and that it is an encouragement to the English navigation hither, which otherwise might in time turn to the advantage of our neighbours, and prudence requires to prevent as much as possible their growing more considerable in these parts. They are but too much so already : I must further observe that there is in this Act several things towards the support of the Revenue, not taken notice of in the estimate, that will allways make good any deficiency, if it can possibly happen by the precariousness of the sugars, and indigo, and those are the better regulation introduc'd, as to the collecting the several duties rais'd by this Act ; The taking away several drawbacks and exemptions formerly allow'd ; and also as nothing paid heretofore, but what was enter'd by way of merchandise, and that under the notion of importation for private use, several abuses were introduced, this Bill allows of no distinction and all is equally to be paid for ; There was also another abuse allowd of by an omission in the former Revenue Bill, that people might with impunity run their goods on shore, provided it was in the day time, which made the condemnation of seizures difficult. This is also rectify'd by making no distinction of time, and by this, the condemnation will be easy, and it will

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deter people from attempting to evade the duties ; besides all this, if this bill is approved off, as now sent over, the Government will be so far independant of the people, who now one is oblig'd to court, having nothing in ones power to reward them, or to keep them in awe, that then the quit-rents may be more strictly enquir'd into, which will also be an encrease to the Revenue, but durst not well be attempted as matters stand now *etc.* As to the clause in this new Bill, which continues all laws as they now stand and are accepted, and used in the Island, I was apprehensive some doubt might arise about it, and pushed it as much as I could to have made them use the very words in H.M. letter. I had actually succeeded, if not prevented by some unforeseen behaviour of some people, whom I could not, nor had any reason to suspect. They underhand raised jealousies in peoples minds, as if my aim was to persuade them to give up the use of those English laws, which had always been practiced here, and that then they should have no laws at all, because the municipal laws barely of this Island were hardly any laws at all, they only relating to some few regulations amongst themselves ; and for the better management of their negroes. Their sence about that dos appear in the answer to one of the queries I put to the Council. They say that the objection which was against the law, which had been rejected might be reasonable, because they seem now to own, that the enacting the English laws as they had done, might have been attended with inconveniencies to H.M. Government, and the estates and commerce of the subjects in this Island, to which the English laws might not be competent, and might do some mischief in case they were to take place : This is the objection they say, that was made by the Attorney and Sollicitor Genl. at home. I could not contradict but that it was. They affirm that this is obviated now, and hope what they have done will meet with no objection, but be approved of because the laws which are used at present here, are chiefly English laws, and that the laws of England are not enacted by this clause, but such laws only, as now stand and are in force, and in use here, and have by experience been found proper and usefull, which makes them hope as it is consistent also with the Attorney and Sollicitor General's opinion that it is but reasonable the continuance of such laws should be granted them, particularly since they are free from any imputation of novelty, and can't apprehend they can be attended with any evil consequences, I hope I need say no more to put this in a clear light. I must tho' unwillingly desire your Lordships patience a little further ; the Bill they have passed for the augmentation of my salary with the fund provided for it, which is a tax upon the produce of the Northern Plantations, has made those few persons who have that trade in their hands clamour a little, as all new taxes do by those affected, but can hardly apprehend that it will meet with

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objections at home, they being easy duties, and in some measure a retaliation for their impost on the commodities of this Island, and conformable to the sense and purview of the Acts of Trade and Navigation, inasmuch as the navigation from Great Britain hither being exempted from these duties will receive a further encouragement by them; some are of opinion that the fund will not be sufficient, others think it will more than fully answer, but as they are new duties nobody can be certain, however there is a clause of loan to the Receiver Genl., whereby the Assembly is engaged to make good any deficiency that might happen. These Acts have cost so much labour and pains as that I could heartily wish them such assistance as they may have from your approbation. Give me leave to press the passing the Act for settling the North East part of this Island, which has been in England for some time, and the passing also of the Act I send over at present relating to it, several people in this Island being inclinable as soon as they are past, to make settlements there, and it is certain that till some people of this Island make a beginning, no strangers can attempt to make a settlement, and if once begun will be a prodigious advantage to this Island, to trade and navigation, particularly to all ships that go to, and come from England. [*Continues in the Duke's own hand.*] I would not my Lord have made use of another hand, but have writt myself, was itt not for several reasons that prevent me, and which I hope will all of them plead my excuse; they are the constant interruptions one meets with from the multiplicity of business, that offers itt self dayly and requires dispatch; also that heat of the weather, which is apt, after writting for some time, to occasion and give me violent pains in my head, besides the strong and glaring light in this cuntry, brings such a weakness upon my eyes, being oblig'd to use them a good deal, that I am under a necessity to save them as much as I can; but however, was resolved to conclude with my own hand this long letter *etc.*, that I might express my desire of receiving the agreeable news of yr. safe arrivall in England, in perfect good health, to renew my request, in desiring allways the continuance of your favour and assistance, and not to forgett him, who wishes he had itt in his power to convince you, that he is, and allways will be with the uttmost sincerity and respect, My Lord, Yr. Lordships. Most obedt. and Most humble servt. Portland. P.S.—I was under a mistake in the beginning of this letter, about the Councill's address *etc.* I find itt was not sent over att all and can't tell how itt was omitted. Signed, Portland. Endorsed, Rd. 8th June. 9 large pp. Enclosed,

74. i. Address of the Governor and Council of Jamaica to the King. 3rd July, 1723. Return thanks "for the tender regard your Majesty was pleased to shew to our misfortunes in the last dreadful hurrycane, and

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for your Majesty's great goodness in sending us such timely relief of ammunition and warlike stores, *etc.* Such extraordinary instances of your Royal favour cannot but incite in us suitable returns of duty and gratitude." *etc.* *Profess* inviolable loyalty and attachment to H.M. sacred person and government. *Signed*, Portland. 1 large p.

74. ii. (a) Capt. Laws to Governor the Duke of Portland. *Mermaid* in the Grout, 24th April, 1723. Encloses following. Has sent his Lieutenant (his brother), to persuade William Taylor and the other pirates on board the *Cassandra* to surrender, but thinks they will not do so without force or promise of pardon. He cannot attack the pirates, but is waiting off the lagoon where they lie. The Governor of Panama and Porto Bello have sent a sloop with an offer of pardon to the pirates, if they will come in to their port. There is not one Spaniard amongst them.

(b) Petition of pirates on board the *Cassandra* to the Governor of Jamaica. Island of Pines, near Caledonia, April 10, 1723. Ask for a grant of pardon. They were forced and deluded by others from the Isle of Providence, but since they got clear of them, have committed no acts of piracy, for a year past. *Signed*, Wm. Taylor, Wm. Fox, Wm. Bates. 70 British subjects, 37 foreigners.

(c) Capt. Laws to the Pirates of the *Cassandra*.

In reply to preceding, thinks they will be pardoned, and invites them to come in. 50 have been pardoned since the Governor's arrival.

(d) Capt. Jos. Laws to Governor the Duke of Portland. The Grout. 5th May, 1723. *Encloses* following. The pirates have made no application for pardon to the Spaniards, but only to the Governor of Jamaica.

(e) Petition of Pirates of the *Cassandra* to Governor the Duke of Portland. Beg for a pardon. 26th April, 1723.

(f) Capt. Laws to *Same*. The Grout. 6th May, 1723. Urges grant of pardon. "The Spaniards are all mad to get the pirates into their port, and the Governor of Panama is coming down on that occasion" *etc.*

(g) Letter to Capt. Laws from Portabell, 14th May, 1723. The piratts having been told they would get no pardon from Jamaica and that men of war were coming thence to attack them, have accepted a pardon from the Spaniards, upon condition that they should retain their property and liberty.

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(h) Governor the Duke of Portland to Capt. Laws. Kingston, 21st May, 1723. *Reply to preceding.* [To grant this proposal would be] wholly inconsistent with the honour of the English Nation, and my own character *etc.* I leave them to the managemt. of Capt. Dent and yourself, and hope you will be able to give some good account of them *etc.*

(i) Capt. Laws to Governor the Duke of Portland. The Grout, 4th June, 1723. The *Cassandra* arrived at Portabell, 23rd May, at which time I was off Chagre, 12 leagues w. of that port, for as the time of year is westerly winds and easting currents, so expected they would have fallen down as low as Schuda. They had orders so to do, but the winds would not allow them *etc.* Amongst the Indians on this coast are 90 odd French pirates, besides 70 Indians that join them. My boat with the purser which I sent to the pirate ship was taken by them *etc.* If the *Cassandra* had joined them, I don't see what sloop would lay on this coast *etc.* The Governor of Portabell have publickly declared, that he will encourage the villains, and then see what sloop will lay on the coast. These reasons induced me to write as above. *Encloses following:*

(j) Capt. Laws to the Pirates on board the *Cassandra*, 8th May, 1723. I don't see that you are in the least danger in coming in *etc.* *Urges them* to await the Governor's pardon. "Whoever has a mind to come and serve his King and Country, shall have nothing taken from them by me" *etc.*

(k) Pirates of the *Cassandra* to Capt. Laws. 14th May. Will await the Duke's reply.

(e) Capt. Laws to the Governor of Panama, 31st May, 1723. Demands surrender of the *Cassandra*, which belonged to the East India Company, and all the men who surrendered, and remonstrates with him for protecting an English pirate who had petitioned the Governor of Jamaica for pardon *etc.*

(m) *Same* to the Governor of Porto Bello. 5th May, 1723. Informs him that the pirates have petitioned the Governor of Jamaica, and rebukes his officiousness in sending a sloop to invite them to his port. The ship belonged to the East India Company, and had taken British, French, Dutch, and Portuguese, but no Spanish vessels *etc.*

(n) *Same* to Governor of Panama. 3rd June, 1723. I am surprised I have no answer to above. I am no stranger to your sending two armed sloops to protect said pirates.

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(o) Governor the Duke of Portland to the President of Panama. [?8th Aug.] Enters claim, on behalf of British subjects, to the *Cassandra* and any part of cargo found to be their property. Demands immediate restitution of said ship and effects to the bearer, Capt. Dent., H.M.S. *Launceston*, etc.

(p) J. Geramo. Badillo, President of Panama, to Governor the Duke of Portland. Panama, 5th Oct., 1723. Has taken the *Cassandra* and her crew under the protection of His Catholic Majesty, his only motive being to advance the security of commerce. Refers the persons interested therein to the Court of Spain. *The whole*, 15 pp. *Copies*.

74. iii. Speech of Governor the Duke of Portland to the Assembly of Jamaica, St. Jago de la Vega. 7th Jan., 1723 $\frac{3}{4}$. *Urges* passing of new Revenue Bill etc. in accordance with H.M. expectations, the appointment of an Agent in Great Britain and an Act for improving the collection of taxes. *Printed*. 2 pp.

74. iv. Report of the Committee of Council of Jamaica upon the state of the silver coinage. v. Sessional Papers. *Copy*. 3 pp.

74. v. Speech of Governor the Duke of Portland to the Assembly. St. Jago de la Vega, 30th Jan., 1723(4). Regrets their difference with the Council over amendments to the Revenue Bill, which were intended chiefly to remove all objections at home. As there is no clause suspending its execution till H.M. pleasure is known, he is obliged to transmit a draught of the bill for H.M. approbation before giving it his assent. Adjourns Assembly till 28th July, etc. *Copy*. 1 $\frac{1}{4}$ pp.

74. vi. Minutes of Council of Jamaica, 8th March, 1723–15th Jan., 1724. Proceedings relating to the Public Credit. *Copy*. 14 $\frac{1}{8}$ pp.

74. vii. (a) Address of the Council of Jamaica to Governor the Duke of Portland. *Return thanks* for Speech (No. iii). Will do all in their power to comply with H.M. commands, as well as what appears to them to be for the good and welfare of the country etc. *Praise* his just and wise administration.

(b) The Governor's reply to preceding.

(c) Address of the Assembly to the Governor, 10th Jan., 1724. *Return thanks* for Speech (No. iii). "H.M. constant care and extream goodness towards us, fills us with the warmest sentiments of duty and gratitude," etc. "The calamity your Grace found us in could only have been made tollerable by your Grace's inimitable conduct, which composed our minds and roused our hopes," etc.

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(d) The Governor's reply to preceding. *The whole, 3 pp. Copy.*

74. viii. (a) Queries offered by Governor the Duke of Portland to the Council of Jamaica on the Revenue Bill. 30th Jan., 1723(4).

(b) Replies of the Council to preceding. *The whole, 4½ pp. Copy.* [C.O. 137, 52. ff. 35-39, 41v., 42, 44-51, 52-54, 55, 55v., 57-64, 65-66, 67, 68-69.]

March 4.

Spanish
Town.

75. Governor the Duke of Portland to the Council of Trade and Plantations. A copy of preceding covering letters, with a few omissions. *Endorsed*, Recd. 20th, Read 25th June, 1724. 9 pp. *Enclosed*,

75. i-viii. Copies of enclosures ii-viii preceding.

75. ix. Draught of Bill for granting a Revenue to H.M. his heirs and successors for the support of the Government of this Island, and perpetuating the Acts and Laws thereof as they now stand and are used (v. covering letter), with (b) an Estimate of H.M. Annual Revenue. *Receipts*, £8371 12s. 6d. *Expenditure*, £8000. Passed the Assembly, Jan. 24th., 1723(4). *Signed*, Wm. Nedham, Speaker. Passed the Council, Jan. 29th, 1723(4). *Signed*, Jos. Maxwell, Cl. Council. *Endorsed*, Recd. 20th June, 1724. 11 pp.

75. x. A Bill to augment the salary of His Grace the Duke of Portland during his residence in this Island as Governour. Grants £2500 additional money of this Island over and above the salary appointed out of the Revenue, to be paid out of duties laid on imports from the Northern Colonies, and if deficient to be made good. Passed the Assembly, 23rd Jan., 1723(4). Passed the Council, 28th Jan., 1723(4). *Signed and endorsed as preceding.* 1¾ pp. [C.O. 137, 14. ff. 279-283, 284-285v., 286v.-287v., 288v.-291v., 292v., 294-299, 300v.-303, 304-305, 306v., 307, 308-312v., 314-321, 322v. (*with abstract*).]

March 5.

Whitehall.

76. Council of Trade and Plantations to the King. Recommend, as proposed by Governor Shute, that Jotham Odiorne be appointed to the Council of New Hampshire, in place of Col. Plaisted, who has refused to serve. [C.O. 5, 915. p. 397.]

March 5.

77. Governor Shute to the Earl of Dartmouth. *Represents* several things that have happened in Massachusetts Bay since his Memorial to the King, March 1723 etc. (i) The Governor and Council having paid some of the just debts contracted in the service of the Province in the recess of the General Assembly, according to the known and necessary forms of the Government there, the House of Representatives at their next meeting voted those payments to be grievances. (ii) Upon a debate arising

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between the Council and the House of Representatives, about a sufficient supply of the Treasury, in a time of war with the Indians, and when the coast of New England was infested with pyrates ; upon the House of Representatives not agreeing with the Council to give a sufficient supply, the Council desired a Conference, which the House of Representatives refused, alledging it was not agreeable to their privileges so to do ; contrary to the known usage of the General Assembly, and manifestly tending to destroy all good correspondence between the Council and the House of Representatives ; so that the Sessions ended, without granting any supply at all for the contingencies of the Government, by which the Governmt. there was necessarily exposed to the utmost hazard during the recess ; there not being six pounds in the Treasurer's hands to pay the charges of an express ordered by the Governor and Council ; and the House of Representatives ordered their Articles of Grievances, with their votes and those of the Council, relating to the said payments and matter of supply, to be forthwith printed for the better informing of the people, whom they represented *etc.* The Representatives have for some years past industriously avoided all conference with the Council, in matters of weight ; whereby some of the country members, who are many of them of low fortune, parts and education, are prevented from having the affairs depending before the Assembly, sett in a true light, and free'd from the misrepresentations of the leading men in the House of Representatives. (iii) Tho' H.M. has been pleased to appoint me Governr., and I am absent by H.M. leave, to lay the state of this Province before H.M. ; the Representatives have not voted me any allowance since my absence. (iv) The Representatives, not content with subjecting the Militia to their orders, by prescribing those rules in their votes which belong to the Captn. General to give as there may be occasion, and paying none of the forces, without seeing by their muster-rolls, that such their orders have been comply'd with, have extended the like orders by a vote in their last sessions to H.M. Fort of Castle William ; which by its strength and situation in respect of the port and town of Boston, is the fort of much the greatest consequence of any in the Province. (v) For a treaty lately concluded at Boston with the Six Nations of the Macquois, who have been for many years in strict alliance with the Crown of Great Britain, H.M. is not so much as mention'd except by the Macquois themselves ; and when the Treaty was concluded and the Lt. Governr. who in the absence of the Governor is Commander in Chief, had by the advice of H.M. Council affixt his seal to a belt of wampum for the ratification of the same (which I humbly conceive to be H.M. seal) the House of Representatives did order it to be effaced and gave their directions to the Secretary of the Province to affix the seal of the Province, which I apprehend to be an unhear'd invasion of H.M. un-

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doubted right of making treatys. (vi) The person the Genl. Assembly have sent to solicit their affairs at the Court of Great Britain is Elish Cooke Esq., who has denied H.M. right to the woods in the Province of Maine, tho' those woods are reserv'd to the Crown by the Royal Charter of King Wm. and Queen Mary, and are since declared to be vested in the Crown by Act of Parliament. This person has been also at the head of all those measures I have complained of in my Memorial to H.M. *etc.* And, when it was voted in the House of Representatives, that he should come over to assist their Agent Jer. Dummer Esq. in the defence of their Charter and privileges, H.M. Council put a negative upon him; But some time after the Council receded from their negative, and suffer'd themselves to be prevailed on to vote in conjunction with the House of Representatives by a joint ballot (tho' they had during my stay in New England) constantly oppos'd the growing power of the House of Representatives, by which means the said Mr. Cooke was voted to be the Assistant of their Agent accordingly. (vii) The House has been all along endeavouring to weaken the credit of the Council with the people; and to intimidate them whilst they have been discharging their trust *etc.*: and once expressed their wishes in a publick vote, that those might be known who had advis'd a bill passed in Council against riots, only on a pecuniary penalty, to which they did not think fit to concur; that they might be discover'd and no longer screen'd from the just resentments of the people: to which many of the Council have on such occasions had reason to think themselves greatly exposed: the Representatives well knowing that such a law would have secured the freedom of the Council and render'd their projects to grasp the whole power of the Province into their own hands, without effect. Thus your Lordsp. will see that as by my Memorial to H.M., the House of Representatives had then in a manner got the whole legislative and executive power into their own hands; so they have now extended that power also to the soldiers and officers in the fort of greatest consequence H.M. has in this Province: and, among other methods by which they shew that, far from having any remorse for their bold and daring invasions on the undoubted prerogatives of the Crown (with no other view than increasing their own power) they have sent over the man, that has been at the head of all these measures, to solicit their affairs at the Court of Great Britain, and that the Council are so overborne as even to have given up their acting in their separate capacity, in an affair of great importance, to the destruction of the Constitution of that Government, and to the giving up the only remaining security of the few and undoubted prerogatives of the Crown there, against the great and daily encroachments of the House of Representatives. Signed, Samuel Shute. 3 large pp. [C.O. 5, 752. No. 23.]

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- March 5. **78.** H.M. Licence of absence for twelve months to Patrick St. James's. Crawfurd, Provost Marshall General of the Leeward Islands. *Countersigned*, Carteret. *Copy*. [C.O. 324, 35. p. 56.]
- March 5. **79.** H.M. licence of absence to Charles Sibourg, Lt. Governor St. James's. of Nevis for another year. *Countersigned*, Carteret. *Copy*. [C.O. 324, 35. pp. 57, 58.]
- March 9. **80.** Lord Carteret to the Council of Trade and Plantations. Whitehall. The King does very well approve of your Representation concerning the State *etc.* of H.M. Colonies on the Continent *etc.* and it is His pleasure, that you represent the state and condition of His islands in America and report your opinion, what methods may be taken for the better Government, security and improvement thereof. *Signed*, Carteret. *Endorsed*, Reed. 9th., Read 10th March, 1724. 1 p. [C.O. 323, 8. No. 45.]
- March 10. **81.** Governor Nicholson to the Council of Trade and Plantations. So. Carolina, Charles Town. *Encloses* duplicates of 17th Feb. *etc.*, and proclamation proroguing the Assembly. *Continues*: On the 3rd inst., dyed James Moore Esq. late Speaker of the House of Commons, he was taken ill soon after the Assembly broke up which is the reason he did not sign the Address (v. Feb. 17. No. i), but when please God the Assembly meets they will chuse a new Speaker, and the Honble. Arthur Middleton Esq. the first of H.M. Council hath not been here since. I herewith transmitt the Tax Act which I hope will meet wth. your Lordps. approbation it being the usual way of laying the levy here *etc.* *Encloses* Treasurer's accounts *etc.* *Continues*:—The other Acts and Journals of both Houses are preparing, but good writers are very scarce here and we are oblig'd to send copys of most part of the tax Act to the several parishes, without which the levy could not be raised which took up a great deal of time. When I have gott the laws and journalls I shall God willing by the next safe opportunity, transmitt them *etc.* *Refers* to enclosures concerning the Spanish Governor of St. Augustine. *Continues*: I reed. the said Govrs. letter the next morning after our Assembly was prorogued, so I have not had an opportunity of laying the same before them, but I communicated it to some of H.M. Honble. Council. We are all apprehensive that the Governor sent them as spyers to see what condition Fort King George was in and what other things they could informe themselves of *etc.* The weather of late has been very uncertain, sometimes cold and sometimes warm, so at present it's sickly especially among the negro's, but I hope in God the later end of this month will be settled weather. We are in great want of ships and vessells to carry the comodities to Great Britain, and we are in daily hopes of having them arrive here, and that we shall have the honour of receiving your Lordships' commands

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and good news from Great Brittain in all respects *etc.* *Signed*, Fr. Nicholson. *Endorsed*, Recd. 24th April, Read 29th Oct., 1724. $2\frac{1}{4}$ pp. *Enclosed*,

81. i. List of following enclosures. *Signed*, Fr. Nicholson. *Endorsed*, Recd. 5th May, Read 29th Oct., 1724. 1 p.
81. ii. List of following enclosures and of enclosures sent to Lord Carteret, 12th March. *Signed*, Fr. Nicholson. *Endorsed*, Recd. 24th April, 1724. $1\frac{1}{2}$ pp.
81. iii. Governor Nicholson's Proclamation proroguing the Assembly, till the 17th. March 5th, 1724. *Signed and endorsed as No. i.* 1 p.
81. iv. Lord Carteret to Governor Nicholson. Versions of Nos. v. and vi. following. *Endorsement as preceding. Spanish.* 2 pp.
81. v. *Same to Same.* Copy of C.S.P. 6th Sept., 1721. *Same endorsement.*
81. vi. *Same to Same.* Copy of C.S.P. 28th Nov. 1722. *Same endorsement.* $\frac{3}{4}$ p.
81. vii. Report of the Committee of the two Houses appointed to reply to Lord Carteret's letter (*No. vi*) 10th and 11th May, 1723. The fort referred to must be Fort George built on the mouth of Alatomaha River. The river and a large territory South of the same is included in the charter of K. Charles II. The nearest settlement the Spaniards had to it was St. Maria, 60 miles S. of the river, and deserted by them in 1702. Except some look-outs at the mouth of the River St. John's, 70 miles beyond the river, they have no settlement nearer than St. Augustine. Alatomaha River has always been known to be part of this Province, and for these 40 years a considerable trade has been carried on there with the Indians without interruption, and several inhabitants of this Province had houses and plantations on the river *etc.* *Value of the fort emphasised.* It will be of dangerous consequence to the Continent of America to give up the River or St. Simond's Island, the river having a communication with all the Southern and Western Indians in amity with us, and the harbour at the mouth and St. Simond's Island will be if settled by the French or Spaniards in time of war. *Signed*, Ar. Middleton, Ra. Izard, Wm. Bill, William Gibbon, B. Schenkingh. *Same endorsement.* *Copy.* $2\frac{1}{4}$ pp.
81. viii. Governor of St. Augustine to the Governor of S. Carolina. St. Augustine de la Florida, 3rd Feb., 1724. Sends copy of Lord Carteret's Instructions, Nos. v. and vi. *supra.* *Signed*, Don Antonio de Benavides. *Spanish.* *Copy.* 1 p.
81. ix. Declaration by Don Antonio that he has sent preceding by the hands of an Officer, Francisco

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- Dominguez, *etc.* Signed as preceding. Spanish. Copy. 1 p. Nos. viii & ix endorsed Recd. 5th May, Read 29th Oct., 1724.
81. x. Governor Nicholson to the Governor of St. Augustine. Charles Town. Feb. 27, 1723(4). *Reply to Nos. viii, ix.* Regrets that the Commander of Fort King George sent his messenger forward through the English settlements. As he informed him before, all messages must be sent by sea. Has written to Lord Carteret in reply to his letter of 6th Sept., 1721, and daily expects an answer *etc.* *Concludes*:—I am much surprised at the treatment of Capt. Wilson when I sent him in a publick capacity to make a demand of some runaway slaves, and that Cherekeeleechee with a party came into this settlement, killed some of our people and carried off a negroe slave, *etc.* *Requests* that runaway slaves now entertained at St. Augustine may be returned by sea or secured till sent for *etc.* P.S. Your people have been subsisted here at the publick charge, and I have given them every day two bottles of Madera, and they will have provision given for their return. I kept them the longer that they might have the advantage of the full moon *etc.* Signed, Fr. Nicholson.
81. xi (a). Governor Nicholson to Col. Barnwell. 27th Feb., 1723. To same effect as following. Signed, Fr. Nicholson. $\frac{1}{2}$ p.
- (b) Governor Nicholson to Lt. Huddy. *Reply to following.* Feb. 27, 1723 (4). *Concludes*: I have writ to the Govr. of St. Augustine that I will receive no message from him but by sea directly over the barr to Charles Town, therefore for the future you are to receive no message, nor suffer any strange boat to come within gunshot of your Garrison *etc.* Signed, by order of H.E. and Council, Cha. Hart, Secry. $\frac{1}{2}$ p.
81. xii. Lt. Huddy to Governor Nicholson. Fort King George, 9th Feb., 1724. On the 7th arrived a flag of truce from St. Augustine. *Has sent* them to H.E., according to his Instructions *etc.* Signed, Cha. Huddy. Copy. 1 p. Nos. x–xii endorsed as No. i.
81. xiii. Estimate of Revenue Expenditure, 29th Sept., 1723–1724. Total, £29,796 7s. 1d. Endorsed, Recd. 24th April, Read 29th Oct., 1724. Copy. $2\frac{3}{4}$ pp.
81. xiv. Treasurer's accounts. Recd. £9132. Paid, £7557 18s. 10d. Signed, A. Parris. Endorsed as preceding. $1\frac{1}{4}$ pp.
81. xv. Revenue and expenditure, 1st Jan., 1723–1724. Balance in Treasurer's hands, £15,507 5s. 8d. Audited by Committee of both houses. Signed and endorsed

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as preceding. 11 pp. [C.O. 5, 359. ff. 137-139, 140, 140v., 141v.-143v., 144v.-145, 146-149, 150-156, 157-163v.; and (abstract of covering letter) 5, 406. p. 13.]

March 11.

St.
Christophers.

82. Governor Hart to the Council of Trade and Plantations. *Encloses* duplicates of 3rd and 11th Dec. last. *Continues*: If the originalls are not arrived, which I am apprehensive of, from the tempestuous weather that happen'd about that time; I humbly intreat your Lordships to take them into your consideration and favour me with your sentiments upon them, at your convenient time. On the account of the death of the Regent of France, which filled these Islands with a pannick fear, that the war with France wou'd be renew'd, which had almost proved the ruin of these the Leeward Islands; I took that occasion to lay before the Council and Assembly of Antigua the state they were in, in case of such an event, *etc.* Refers to *enclosed Speech and Addresses on that subject.* *Continues*: In the conclusion of that Speech, wherein I have thank'd the Assembly for the affectionate regard they have alwaies show'd me, especially in that part of making a provision for my better support; a majority of the Council of one took umbrage at it, *etc.*, and expostulated with me upon it at the Board in terms so high as no ways suited with the decency and order that ought to govern at that place, nor with that respect that is due to H.M. Commission. I am sorry to represent to your Lordships that this proceedure of some of the Gentlemen of the Council has been frequently repeated; and as they have no one thing to object to my conduct in my administration, I cannot impute their misbehaviour but to the same factious temper, which made some of them principal actors in that bloody tragedy, in which my predecessor Mr. Parke and several others were sacrificed to their rage. Two of the most violent actors therein, vizt. Nathaniel Crump Esq. and Archabald Cochran Esq. are now of H.M. Council. It might have been expected that the favour these Gentlemen received from the Crown, not only in being pardon'd for so notorious and flagrant an[d] offence, but in being promoted to the stations they are now in, would have given a happier turn to their demeanour; But their tempers and dispositions are no ways changed by their promotion; and submit it to your Lordships whether their continuance there, will not be an encouragement for restless spirits to disturb the peace and quietness of that Island *etc.* Not only the Assembly, but nineteen in twenty of the people in that Island are affectionate to me, being under the utmost concern, least the unhappy humour of these gentlemen might fling them into the convulsions they formerly laboured under at the death of Mr. Parke *etc.* Refers to Address of Grand Jury (*encl. iv*); *Continues*:—Their principal intention was to

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lett these gentlemen of the Council know, that their behaviour towards me, was by no means the sence of nor agreeable to the people in general. Sir William Codrington a Member of the Council of Antigua, residing in England without any lycence that I know of; and there being no prospect of his return his place is in effect become vacant, which I submit to your Lordships, whether it ought not to be filled up with another person; But in case he shou'd return that he may be restored to his former station. Agreeable to my Instructions, I lay before your Lordships the names of six persons qualified to sett in Council *etc.*, vizt. Francis Carlile, Charles Dunbarr, George Lucas, John Gunthorp, James Wetheril and Thomas Williams Esq. I must confess to your Lordships that it wou'd be very difficult to recommend so many persons for the Council, that were not some ways tinged with the general defection that was show'd there at the time of Mr. Parke's death, as some of these named were driven to it by the impetuous rage of their friends. But as a true contrition is next to innocence, I can assure your Lordships that their deportment ever since has meritted favour; and that fact is never mention'd by them but with the utmost abhorrence. My Lords, I find Monsieur De pas Feuquires Commander in Chief of Martinique and all the French Islands in America, was under the like apprehensions of war that we were upon the death of the late Regent of France, and being soon informed of the Speech I made to the Council and Assembly of Antigua to put that Island in a posture of defence, was jealous that I had received advice that a war was commenced *etc.* Upon which he dispatched a Captain and fifty men in an armed sloop; who arrived at Antegoa the tenth day of February and delivered me *enclosed* letter (encl. v). The substance of my answer was that I had not any account but that the same amity still subsisted between the Crowns of Great Britain and that of the Most Christian King; and that for my part, I should live in the same good correspondence I had hitherto done. But that it was very true, I was putting the Islands under my Government into the best posture of defence, which was the natural effect of my duty to the King my Master; that I might be always provided, in case the subjects of any other Nation shou'd make us a visit without invitation to make them a suitable compliment. I hope your Lordships will excuse me for answering a French letter in a French stile, for to say the truth in case of a war the French are so powerfull in the Islands of Martinique and Guardeloupe that nothing but a good naval force can protect these Islands from an invasion from thence, and I shall soon have an oppertunity of more fully informing your Lordships of this matter, when I come to answer the queries you have lately sent me. And I humbly beg your Lordships patience, till I have visited the Leeward Islands of

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this Government, particularly those noble Islands, vizt. Crabb Island and Santa Crux, intending then to lay before your Lordships an exact history of this Government. I shall proceed on that voyage as soon as H.M.S. *Hector* returns from Antegoa, she being now careening here. *Encloses Act of Antegoa past 9th Dec., for attainting several slaves now runaway and for the better government of slaves.* The intention of passing this Act is fully exprest in the title and preamble, and to prevent the inhumane murdering, maiming and castrating of slaves by cruel and barbarous persons (as has been too much practiced) by laying a fine on those that shall be guilty of such crueltys. When this Act was on foot, I used my utmost endeavours to make the murdering a slave punishable with death, but could not gett it past in such a manner, nor in any other than as it is now *etc.* I take it as it is to be a great point gain'd; there being no law before this that laid any penalty on offenders for the crimes mention'd. *Encloses Act constituting a Court to hold plea of forreign attachments according to the custom of the City of London.* The reason for making this Act was to provide against the evil practices of merchants and others trading to this Island; who when their circumstances became in a bad state, or with intention to defraud their creditors withdrew their persons to some of the neighbouring islands, whether French, Dutch or Danes; and then their effects were openly exported for their use, before the faces of such who had sold those very goods to them; there being no law in force to attach them. However usefull and necessary this law is to the honest traders at Antegoa, yet as it constitutes a new Court of Justice, which I am restrain'd from by my Instructions I cou'd not pass it without a reserving clause till H.M. pleasure was signified thereon, which will I hope find the Royal approbation by your Lordships recommendation. I have at last effectually prevail'd with the Council and Assembly of the Island of Antegoa to revise their laws; and they have voted the Attorney General £500 money of that Island for that labourious and usefull work—so that I hope in six months, I shall be able to transmit them to your Lordships compleat. *Signed, Jo. Hart. Endorsed, Recd. 1st June, Read 19th Augt., 1724. 7¼ pp. Enclosed,*

82. i. Governor Hart's Speech to the Council and Assembly of Antigua, 23rd Jan. 1724. *Recommends* revisal of laws and measures of defence, and the discharge of public debts, the Island being in the most flourishing condition that ever it was *etc.* *Thanks* Assembly for their kind regard in making provision for his better support *etc.* *Signed, Jo. Hart. Copy. 3¼ pp.*

82. ii. Address of the Lt. General and Council to Governor Hart. Reply to preceding, referred to above. *Signed, Wavll. Smith. Sec. & Cl. C. Copy. 3 pp.*

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82. iii. Address of the Assembly of Antigua to Governor Hart. Feb. 6th, 1724. Reply to *No. i.* *Signed*, Ashton Warner, Speaker. *Copy.* 3 $\frac{3}{4}$ pp.
82. iv. Address of the Grand Jury of Antigua to Governor Hart. St. Johns, 11th Feb., 1723(4). Return thanks for his just and prudent administration, and his care for the encouragement of trade, increase of the inhabitants and defence of the country *etc.* *Signed*, P. Stoodlie, Hen. Osborn, Richard Oliver, Bayer Otto Bayer, Rich. Sherwood, Henry Lyons, Cæsar Rodeney, Pat. West, Ja. Parke, John Burke, John Eliot, James Gamble, Robert Weir, William Paynter, Peter Hasell, Thoms. Jarvis, Geo. Weatherill, P. Raynolds, Francis Burton, Tho. Dunbar Parke, Philip Darbye, Jno. Booth. 1 large p.
82. v. M. de pas Feuquières, Governor of Martinique, to Governor Hart. Rumours of arming in the Leeward Islands and Europe, and the passing of a squadron bound for Antigua lead me to enquire whether there is any misunderstanding between the King of England and my Master *etc.* *Signed*, Depas Feuquières. *French.* *Copy.* 2 $\frac{1}{2}$ pp. [C.O. 152, 14. ff. 264-267v., 269v-278v.]

March 11. 83. Governor Nicholson to Lord Carteret. Is preparing
So. Carolina, copies of correspondence with the Governor of St. Augustine
Charles *etc.* v. March 10th. *Signed*, Fr. Nicholson. *Endorsed*, Rd.
Town. April 27th. 1 p. [C.O. 5, 387. No. 43.]

March 12. 84. *Same to Same.* Encloses duplicates of preceding and
So. Carolina, repeats part of letter of 10th March relating to correspondence
Charles with Governor of St. Augustine. *Signed and endorsed as pre-*
Town. *ceding.* 1 $\frac{1}{2}$ pp. *Enclosed,*
84. i-ix. Duplicates of Nos. 81. iv-xii. [C.O. 5, 387.
Nos. 44, 44. i-ix.]

March 12. 85. Governor Nicholson to the Council of Trade and Planta-
So. Carolina, tions. Encloses duplicate of 10th inst. *etc.*, and proclamation
Charles "further prorogueing the Assembly to the 23rd inst. by wch.
Town. time I hope (in God) to have the honour of receiving your Lordps.
commands. Before yesterday I could not gett the proceedings
concerning Messrs. Godin" *etc.* (v. 20th Jan.) *Continues* :—
The affidavits were taken before Mr. Chief Justice Hill in their
presence; Lawrence Couleit the Clerk of the Court telling me
that they wanted copys of the sd. papers I told him they might
have as many as they pleased, its probable they may send them
to Great Britain by this opportunity, and Mr. Benjamin Godin
intends to go in the ship *Carolina* frigott which he Mr.
Counsellere and Capt. Shubrick ownes, *etc.* I writt to the

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Honble. the Comissrs. of H.M. Customs concerning the said ships register (and sent them a copy thereof) and likewise the trading to the French Islands *etc.* and sent them a copy of my 69 Instructions, and I hope an effectuall stop will be made to this sort of trade or else I am apprehensive it will be prejudicial to the trade of Great Brittain, and also concerning the trade of the New Englanders by sending their own manufacture of iron *etc.* into these plantations and they are setting up a trade for making rum which they do out of mollasses *etc.* from Surinam the French Islands and Cape Francois of which they have already brought hither some quantitys and we are in daily expectation of more. I suppose they will endeavour to engross all the trade of mollasses from both the former places and also our Islands if so they will furnish all this Continent with rum and how prejudicial this affair will be to the trade of Great Brittain, the Plantations on the Continent and the Islands in America your Lordps. will be the best Judges. I have according to my duty done all that lay in my power to have my 69 Instruction complied with, but when Messrs. Godin and Counseillere were brought before the Chief Justice and heard the first depositions made, I taxt Mr. Counseillere being one of the Council about that Instruction and they seemed to make sligt of it and that they would trade that way, indeed I did not then much wonder it they being both French men and I am apprehensive that the French man named Detchegoyen who came from Cape Francois to them was both upon the accot. of trade and as a spy. And I herewth. send an extract of an affidavit taken before me and H.M. honble. Council last night but it being so late could not be sent before Mr. Chief Justice Hill. I suppose these two Gent. will endeavour to gett affidavitts concerning this affair, but they are acquainted that if they have any affidavits it must be done as publickly as these were and that H.M. Attorney General must be there *etc.* P.S. *Encloses* papers relating to the *Two Friends etc.* "by which your Lordps. may please to see in part how the trade is managed to these Islands from Boston to this place and backwards and forwards, and that the trunk that was entred at Boston as of English goods the contents were abt. 50 or 60 peices of chints and in the clearance from hence it was writt a trunk of chints and in my humble opinion if those sort of East India goods can be legally brought into the plantations, and Islands and shipt from one place into another 'twill be the genl. wear of the inhabitants and how prejudicial that will be to the wollen and linnen manufacture of Great Brittain is humbly submitted to your Lordps. by," *Signed, Fr. Nicholson. Endorsed, Recd. 24th, Read 29th April, 1724. 3½ pp. Enclosed,*

85. i. Proclamation by Governor Nicholson, March 12th, 1723(4), proroguing the Assembly to 23rd March. *Same endorsement. 1 p.*

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85. ii. Extract of an affidavit by Francis Lamande, late Interpreter to the sloop *Two Friends* of Boston, on a voyage from thence to S. Carolina, from hence to Cape François, and from thence hither again, relating to one M. Detchegoyen, whom they took on board near Cape François. M. Detchegoyen brought in some goods here and took away two Indian slaves and two pieces of fine chints *etc.*: he was recommended to Messrs. Godin & Counsellere *etc.* *Continues*:—There were about 50 pieces of chintz in the trunk mentioned in the Master's manifests *etc.*, some of which were sold here by Messrs. Goddin & Conseillere to whom the sloop was then consigned *etc.* *Same endorsement. Copy. 2 pp.*
85. iii. (a) Deposition of Christopher Rhymes, Master of the sloop *Two Friends*. Charles Town, 13th Nov. 1723. Deponent received orders from the owners Peter Lucel and Temple Nellson, of Boston, to deliver a cargo from Boston to Messrs. Godin and Dela Councelier at Charles Town, take lumber thence to Cape François and apply himself to Martin D'Etchivery there *etc.* He then returned hither. *Signed, Christopher Rhymes.*
- (b) Manifests of the cargoes of the *Two Friends* on above voyage, showing rum, fish, timber, bricks and a trunk of English goods consigned from Boston to Godin & Councelier; timber and a trunk of chintz shipped by them for Jamaica; and sugar, cocoa, indigo, rum and molasses consigned by D'Etchivery to Godin & Councelier from Cape François.
85. iv. Clearance of the *Two Friends* from Boston, 31st July, 1723. *Signed, John Jekyll, Collr. 1 p.*
85. v. Clearance of the *Two Friends* from Charles Town to Jamaica, 4th Oct., 1723. *Signed, Rich. Wigg, Searcher; Thomas Gadsden, Collector; Wm. Hamerton, Naval Officer. Copy. 1 p. Nos. iii-v endorsed as covering letter.*
85. vi. (a) Depositions made before Chief Justice Charles Hill in the presence of Messrs. Godin and Conseillere and Samuel Eveleigh, relating to Detchegoyen, a Frenchman brought into Carolina by Capt. Rhymes, by Thomas Lamboll, Depty. Secretary, William Hamerton, Naval Officer, John Smith, pilot.
- (b) Deposition by John Ranchon, Jan. 18, 1723. Detchegoyen informed deponent that he had brought into the Province sugar, cocoa, indigo, and rum, effects of his own to the value of £1000 this country money, and consigned the same to Godin & Conseillere. He offered to sell indigo to deponent and asked whether

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he had any East India goods to sell *etc.* Signed, John Ranchon. Same endorsement. Copy. 6 pp. [C.O. 5, 359. ff. 168-171v., 172v.-175, 176, 177, 178, 179, 180, 180v.; and (abstract of covering letter) 5, 406. pp. 14, 15.]

[Mar. 12.] **86.** Governor Philipps to the Council of Trade and Plantations. *In reply* to Lord Carteret's reference (Feb. 26th) *explains* the expense he was at in building and maintaining the *William Augustus* for making the survey ordered in his Instructions. *Continues* :—I put her under the command of Capt. Southack, and upon her arrival, with accounts properly audited, from Boston, proceeded with the Ingeneer to take a survey as far as Le Have, *etc.*, when it was necessary to send her first for provisions for the garrison at Canso, and then against the Indians and as a guardship to that harbour, and since is laid up. Accounts showing disbursements of nearly £2000 will be laid before the Board *etc.* The best and cheapest method to finish the survey is to employ the same vessel, which may be done to perfection in less than two summer seasons, and the Surveyor may use the same opportunity to set apart the wood intended for the Crown. "It's my humble opinion that need not postpone the settling of that country but that proper reserves may be made of such woods in the respective grants, *etc.* Till such time as fortresses shall be built (v. 28th Nov. 1723), I cannot think that Province to be in any way of being settled it being not reasonable to imagine that any persons of condition will venture their lives and effects upon so precarious a footing." *Urges* need of a fund fixed for the support of Government *etc.*, for no person who has once experienced the trouble and attendance in recovering money advanced for the public will easily be moved to put himself a second time in such circumstances. Signed, R. Philipps. Endorsed, Recd. 12th, Read 17th March, 1724. 2 large pp. [C.O. 217, 4. ff. 207, 207v., 208v.]

March 14. **87.** Mr. Ayon to Lord Carteret. Your letter to the Lords of the Treasury in my behalfe (v. 27th March, 1723) tho' read twice at that Board, has produced nothing but a couple of Minutes, not much inferiour to rejecting, *etc.* It will be my utter ruin unless you see perfected what you have already begun. My unhappy state of health incapacitates me from seeking a livelyhood abroad *etc.* Signed, Michael Ayon. 1 p. [C.O. 152, 40. No. 11.]

March 14. **88.** Mr. West to the Council of Trade and Plantations. Has no objection to the Act of S. Carolina for vesting the Governor's House in Robert Johnson *etc.* Signed, Rd. West. Endorsed, Recd. 14th, Read 18th March, 1724. $\frac{3}{4}$ p. [C.O. 5, 359. ff. 7, 8v.]

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89. *Same to Same.* Has no objection to Act of New York, 1721, *to impower Gilbert Livingston to sell and dispose of certain lotts of land situate in New York.* *Continues* :—But I would beg leave to observe that in private Acts where the right of particular persons are bound for ever they ought not to be drawn in generall words, but the impressions ought to be particular and plain by which all the circumstances of the case may fully appear to your Lordships. In the present Act it appears that the land intended to be sold came to Mr. Livingston by his wife and to his wife by the will of Col. Henry Beekman, but whether such device was for life, in tail or in fee it is impossible to say *etc.* As it is a fault frequently committed by the drawers of private bills in all the American provinces I mention it for your consideration whether it might not be amended by some proper direction to be given as a general rule in these cases. As for the Act *for exempting Gilbert Livingston £300 due from him for the Excise farmed by him,* in case your Lordships are of opinion that compositions of this kind for debts due to the publick are usuall or proper to be made in the Colonies abroad, I have no objection *etc.* *Signed,* Richd. West. *Endorsed,* Recd. 14th March, Read 2nd April, 1724. 1½ pp. [C.O. 5, 1053. ff. 173, 173v., 174v.]

[Mar. 14.]

90. Daniel Preverau to the Council of Trade and Plantations. Under Lt. Governor Hope's direction, *prays for* a favourable report upon Act of Bermuda, 1723, *for lessening the number of the Assembly and registering the Acts etc.* *Signed,* Danl. Preverau. *Endorsed,* Recd. 14th March, 1724, Read 25th March, 1725. 1 p. [C.O. 37, 11. ff. 16, 17v.]

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Christophers.

91. Governor Hart to the Council of Trade and Plantations. On the 4th of February past, I received the disallowance to the Act at Mountserratt for my better support, which, your Lordships were pleased to advise me 21st June last, would be disallow'd; The Order of their Excellencies the Lords Justices is dated from Whitehall 27th Aug., 1723, and came to my hands without any letter with it; But as soon as I received it, I writ to Mr. George, Lt. Governour of that Island signifying that the said Act was disallowed, and order'd that nothing further shou'd be collected by vertue thereof. On 26th Feb. (being then at Mountserratt) I personally publish'd in Council the aforesaid Order of the Lords Justices, and also communicated to them the paragraph of your Lordships letter of the 20th of June relating thereto *etc.* *Refers to enclosed Journals of that Island.* *Continues* :—This is the first copy of the proceedings of the Council that I have been able to procure from Mountserratt; and indeed I am out of countenance to transmitt them to your Lordships in so lame and indigested manner as they are sent; and your Lordships may please to observe that the paragraph of your letter and the Order of Council are sett down in that

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Journal without any introduction how they came to be inserted, tho' I gave my reasons in writing, knowing the inability of the Clerk. I must own that the Patentee of the Secretary's Office of this Government has put his Deputys upon such a rack rent (as I acquainted your Lordships before) that persons who have a capacity for them, can find better bread in other employments; and if I should suspend this Deputy I know not where to gett any person to supply his place, and humbly desire your Lordships directions thereon. Your Lordships may please to observe in page 85 of the said Journals, that I inform'd the Council that William Gerrish Esq. who was named in my Instructions as one of the Council, being a considerable merchant and resident in England for more than five years; I order'd him to be struck off from the number of the Council, by vertue of my fifteenth Instruction, and John Parsons Esq. being dead, I appointed Col. John Brambly and Mr. James Cruckshanks in their rooms; As for Mr. Brambly he has formerly been of the Council of that Island, and is a Gentleman of undoubted affection to H.M. of good estate and great probity, and it was by advice of the majority of the Council that I named that person; at the same time they offered out of the great respect they had for Mr. Brambly, that he should take his place as he had formerly satt at that Board, tho' some of the Council afterwards refused it. Upon this recommendation of the Council, I sent for Mr. Brambly and told him that I intended to call him as a member thereof. On which Mr. Brambly modestly excused himself from acting till he had reparation done his injured character, by the representation of William Fry Esq. to the late Mr. Hamilton that he was a disaffected person *etc.*, who was the occasion of his being removed from the Council. Upon my enquiring of Mr. Fry, who is first named in the Council, *etc.* whether he had so represented Mr. Brambly, *etc.*;—Mr. Fry arose from his place with all the symtoms of a disrespectfull and unreasonable passion, which cannot properly be expressed in words. He cry'd out, No, No, Mr. Brambly wou'd not averr it to his face; I desired the said Mr. Fry to compose himself and sitt down in his place, and to think of the disrespectfull gesture and manner he had exprest himself in, which he refusing to comply with; and finding that Mr. Fry wou'd have fix'd a falseity upon me by the force of his indecent behaviour alone; I then order'd Mr. Brambly to be call'd into the Council, and desired him to relate to me and the Council the reason that he gave me *etc.* On which Mr. Brambly spoke to all those particulars already mentioned to your Lordships, adding such circumstances as was a plain proof to me and all present; To which Mr. Fry made no other answer to Colonel Brambly in his defence, but with his former exclamations No, No, I did not, I did not, and continued walking all the time. Upon which finding that Mr. Fry would make no acknowledgments for his misbehavior, I ask'd the opinion of the Council, since he obstinately persisted

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in it, whether a Member of that Board behaving himself in so indecent a manner, ought not to be suspended untill H.M. pleasure was known; and then communicated to them my Instruction and desired their opinions agreeable to it; But instead of answering me, turn'd their perswasions to Mr. Fry to make his submission; which he also refused to them; so having repeated my demand of the opinion of the Council upon this head, they desir'd to be excused, saying they were sorry for Mr. Fry's behaviour; Upon which I suspended the said Fry from setting any more in H.M. Council till His Royal pleasure was known thereon: This I did by vertue of the last clause of my 13th Instruction; for these reasons which I cou'd not communicate to the Council, (vizt.) That a majority of them were his very near relations by blood or alliance, Mr. Wyke being Mr. Fry's own nephew, Mr. Irish married his neice, and is also his relation in blood, Mr. Cook and Mr. Hodges are his cozin Germans; which if I shou'd have openly mention'd wou'd have been accusing them of partiallity; and wou'd have had a very ill effect. I hope this will find its proper weight with your Lordships *etc.* Mr. Fry in his universal character is a very weak and indiscreet person; and has no talents to recommend him as a Councilor, besides that of a tolerable good estate; It is indeed a misfortune to Mountserratt which is but a small Island, and the number of white men upon it not exceeding 400; and two thirds of them being Papists, who are justly excluded by the Law from having any share in the Government; the Commanders in Chief are confined to a very narrow choice in the recommending persons every way qualified to be of the Council there; But with great submission I lay it before your Lordships, whether this ought to be any incouragement to those already named to offer such insults as Mr. Fry has done; and I cannot but add that if this person shou'd be restor'd, it wou'd give such incouragment to insolent tempers (which are not wanting in these parts) as wou'd prove very prejudicial to H.M. service, weaken the hands of His Governours, and so render them incapable of acting up to their duty. But in my humble opinion an example of this kind is absolutely necessary, and that there wants nothing more to preserve decency and order at the Council Boards and in all other branches of this Government, which I hope will find your Lordships approbation, and that you will please to recommend to H.M. that he may be removed from his seat in the Council *etc.*, and that Mr. Brambly be restored to his former station, and Mr. James Cruckshanks confirmed in his place there. *Encloses Act for raising a levy or pole tax towards paying and discharging the publick debts of Mountserratt*, which lays six shillings per pole on all white persons and negroes, and being in the usual forms I need not give your Lordships more trouble in explaining it; and shall only remark that they had not past any levy bill in two years, and did this

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on my recommendation. *Encloses Act for granting to H.M. etc. certain dutys upon the impost on liquors, and upon house-rent, and mills in this Island for the payment of £500 annually to His Excellency John Hart etc.* The impost on liquors is by virtue of a perpetual Act of the country, and in this is only appropriated to the use mention'd, which doth not amount to above £500 per annum money of Mountserratt. This Act lays a duty of three pounds per annum on each windmill and thirty shillings on each cattle mill, and £100 per annum on house rent in the town of Plymouth; and as this Act is perfectly agreeable to my Instructions; I hope your Lordships will favourably recommend it for the Royal approbation. Your Lordships may please to observe by the message of the Gentlemen of the Assembly to me and the Council, *etc.*, they desired that a provision might be made for H.M. Lt. Governour. But the Council show'd so great an unwillingness to come into it, that Mr. George enter'd a Minute by which he declin'd pressing them any further against their inclination. But that he wou'd apply to H.M. for a further support. I presume your Lordships will think that Mr. George has not made an exchange to his advantage; For when his friends obtain'd him the Commission for that Lieutenant Government upon the sallary of £200 a year; his company of Invalides, he had in England, was otherways disposed of; and if with one dish of meat he can live within the compass of his sallary, he will be a very good husband; so extravagantly dear are all the necessarys of life in the West Indies. But as I cou'd not suffer an Officer in authority by H.M. commission to live in a despicable manner, by this ungenerous proceeding of the Council; I have allow'd Mr. George £100 per annum out of my own appointment together with all my own fees accrewing in that Island, and I hope your Lordships will please to recommend Mr. George's case to H.M. My Lords, All the laws and records of the Island of Mountserratt being burnt by Mounsieur Cossart when he took that Island in the year 1712, the Acts that were then in force and pleaded in the Courts, are only in the hands of some particular persons, and in loose papers, which is very much to the detriment of H.M. subjects there, and as it is impracticable to make an authentick collection of those laws; I humbly desire your Lordships will please to give your orders that all the laws of that Island which have received the Royal approbation, may be copy'd from your Office and transmitted to me. The Council and Assembly being willing to gratifye the extraordinary Clerks that will be imploy'd on this occasion. The fortifications of that Island are very much ruin'd and the whole frame of their publick affairs in so great disorder, that it will take up some time of my residence amongst them to put them under a proper regulation, of which I hope hereafter to give your Lordships a better account. *Signed, Jo. Hart. Endorsed, Recd. 1st June, Read 19th Augt., 1724. 9 pp. [C.O. 152, 14. ff. 279-283, 284v.]*

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- [Mar. 17.] **92.** Draught of a clause propos'd to be inserted in an Act of Parliament for giving a further encouragement to the importation of Naval Stores. The premium of £4 per tun to be continued on all tar made in the Colonies in the manner specified by the Act of 1724. *Endorsed*, Reed. (from Sir Jacob Ackworth), Read March 17th, 1724. 3½ pp. [C.O. 388, 24. No. 129; and 323, 8. No. 46.]
- March 17. **93.** Lord Carteret to Lt. Governor Drysdale. Recommends the bearer, the Revd. Mr. Garcia, "who goes to Virginia on account of some Church preferment there" *etc.* *Signed*, Carteret. *Copy*. [C.O. 324, 35. p. 58.]
- March 17. **94.** *Same* to Governor Phenney. *Acknowledges* receipt of letters *etc.* of 1st March and 10th & 30th August last, "all which I have laid before H.M., who is very well satisfied with the continuance of your endeavours for his service." *Continues* :—Altho' I have no particular commands to you at present from H.M., I take occasion *etc.* of assuring you, that I will not be wanting on my part to represent your services, and as any proper opportunity offers, to promote the benefit and further improvement of the Islands under your Government. *Signed*, Carteret. *Copy*. [C.O. 324, 35. p. 59.]
- March 19. **95.** *Same* to Lt. Govr. Dummer. *Acknowledges* letter of Sept. 27th last, recommending to H.M. mercy Patrick Cunningham and John Brown, two of the pirates who were tried and condemned in July last at Newport in Rhode Island. *Continues* :—H.M. hath been pleased to grant them a pardon and to order them to be inserted in the first and next General Pardon that shall come out for the poor convicts of Newgate *etc.* *Encloses* warrant for that purpose. *Signed*, Carteret. *Copy*. [C.O. 324, 35. pp. 60, 61.]
- March 20. **96.** Lt. Governor Hope to Lord Carteret. *Encloses* following. *Signed*, John Hope. *Endorsed*, R. June 8th. 1½ pp. *Enclosed*,
96. i. Copy of following. [C.O. 37, 28. Nos. 20, 20. i.]
- March 20. **97.** Lt. Governor Hope to the Council of Trade and Plantations. *Asks pardon* for not sending the Minutes of Council home like the other public papers. *Continues* : Your Lordships will find in the enclosed papers nothing but business which happens of course until the third of this month, which I must desire your Lordships to take notice of more particularly : as likewise of the proceedings of the Assembly upon the same occasion. Your Lordps. may there perceive that I have refus'd passing of three Acts, because the nature of them was contrary to my Instructions ; and that notwithstanding the sufficient

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reasons given for my refusal, the Assembly continu'd to press me to pass the Habeas Corpus Act ; first, by desiring a conference with a Committee of the Council, and after that, by a petition to me (without any notice taken of the Council) unto which every member of the Assembly subscrib'd his name. I think it necessary for your Lordps.' more clear understanding of this affair, to acquaint you that ever since my arrival here, there never has been anything put to the vote, at the Council table, but I have always found a hearty unanimous concurrence, to anything propos'd for H.M. service, so that there is not a man at that Board but who was sensible, that what the Assembly wanted, was impossible for me to grant, and tho' it were in my power, that such an Act wou'd be of very bad, if not dangerous consequence in this place. The Committee of the Council spar'd neither pains, reasons, nor the precedents of other Colonys to convince them, that what they urged was impracticable, but to no purpose, for they immediately desir'd to be adjourn'd in an unusual manner, which after having explain'd themselves was very readily comply'd with, there being no business of consequence at present that does require their consideration, nor can there in all probability anything happen that may necessitate me to call them till such time as I receive your Lordps.' answer to this, or till H.M. pleasure is signified here, touching the Act *for lessening the number of Assembly men etc.* My Lords, It is now a year past since I recommended this Act to your Lordps.' consideration *etc.* (v. C.S.P. 1723). *Continues* :—I have as much as the nature of the thing wou'd allow, been tender of characterizing the capacities of our Assembly men, and I have shunn'd as much as possible the troubling of your Lordps. with the politicks of this place, and the private views of designing men. But as the proceedings of the Assembly now inclos'd, not only justify what I have said upon this head ; but in a great measure confirm me in my apprehensions of what may happen, I think I shou'd be to blame if I any longer defer setting this affair in a clear and plain light ; and however mean or ridiculous this scene may appear when open'd, I beg your Lordps. will be pleas'd to remember, that the subject I am about to describe, is the cause of it. The General Assembly is constituted by the free election of the inhabitants, call'd Freeholders. There are nine parishes, each of which sends four Representatives to sitt, and vote in the Assembly. When the Assembly is summon'd it is impracticable to keep them longer together than three days ; else their familys wou'd starve for want of fish, and their negroes wou'd turn loose. Of the 36 Members, perhaps most of them can read and write ; But to my experence, there is not six in their House that has any manner of notion of publick business, either tending toward the support of their Government, or to the advancement of the trade and interest of their country. Far from it ! for, as a

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reasonable man prizes the advantages and the satisfaction that he enjoys in a well regulated Society ; so the great good of these people is (what they call) a maroon life : This is wandering from one uninhabited Island to another (in their sloops), fishing for wrecks, and trading with pyrat's, and living not like animals that are imbued with reason. It is fitter to be imagin'd, than for me to tell your Lordps. the effects which rum punch produces in an Assembly of 36 men, such as I have describ'd, which the men now at the Council table have often lamented to me, both in publick and private. Those Gentlemen indeed I cannot mention here without giving of them their due, as having a great regard to the welfare and happiness of their country, being all men who have visited most parts of the trading world in the quality of Commanders of vessels. They are very well to live, and are respected in the country ; But when the Assembly are met, I observe their influence is but small. My Lords, I don't desire you to take this upon my bare assertion, nor from the observations of the wisest here ; But I must desire your Lordps.' to consider the productions of that worshipfull House, I mean their Acts, as they now stand in a printed book, whereof mention is made in my Instructions. They are for the most part of no manner of consequence, all of them defective, several not to be understood, and some of them indeed are (begging pardon for the expression) nonsense. Till my arrival here with that book above-mention'd, most of the Acts that ever had been made here, were believ'd to be in force ; amongst which there was an Act against bastardy and incontinency, which at first was design'd for nine months only, and levelled at a particular man, but by connivance was put in execution till excepted against in 1707, at which time there was an additional clause to it pass'd here, with a design to make it perpetual ; to be seen *folio 75* Bermuda Acts, which has never been confirm'd (as I believe) because not to be understood, for these reasons, and its being contrary to the laws of England, it has been thought fitt to drop it *etc.* *Copy enclosed.* *Continues :—*I have call'd all those people to account who had any of that money in their hands, and I have ordered it to be given to the greatest objects of charity in the country. The next to be taken notice of is in *folio 8*, an Act *for the recovery of debts from persons insolvent.* *Folio 61*, an Act *for establishing fast days etc.*, a very pious intention ; But it has frequently happen'd that those days appointed by the Act for fasting, have fallen upon days appointed for the Church for thanksgiving. I shall trouble your Lordps. with no more of them, but only beg you will be pleas'd to take notice of a clause inserted in several of them *etc.* “provided further that the Governor's assent to the passing of this Act shall not extend or be construed to extend to the determining this present Sessions of Assembly.” I have been at some pains to enquire about the meaning of it, but I can learn nothing but

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that the man that was Clerk to the Assembly at that time is dead. The late Governor can give no account of it, but that he was glad to pass anything they pleas'd, provided the Government was to be supported, and that notwithstanding the clause before-mention'd, the next thing they desired, was to be adjourned. My Lords, it is a sin to call a parcell of poor ignorant men from their daily labour to consider of matters they do not understand; and this they seemed sencible of themselves, by passing the Act for the lessening of their number; and there can be no better reason given to your Lordps. for the passing of it, than what now lyes before you; I mean, my Lords, the behaviour of these poor men, in relation to the Habeas Corpus Act. I can positively averr, that there was not one man in the House, that knew or understood what he was asking; For, they are now all convinc'd that if H.M. wou'd be so gracious, as to pass that Act, it wou'd be passing a thing inconsistent with our constitution and situation; for as it is possible, that the suspension of such an Act, might sometimes be necessary; yet after it has once receiv'd the Royal assent, the suspending thereof is impossible, till H.M. leave be obtain'd for so doing. The next thing that is worthy of your Lordps. taking notice of, is the last Minute of Council on the 16th of this month. The Acts therein mention'd, are to be seen *fol.* 16 & 46 of the Bermuda book of Acts, both confirm'd, but so lame, that the design they were made for, is frustrated, and they have accordingly been very chavalierly treated, considering that they had receiv'd the Royal assent. The latter was publish'd here in Nov. 1698, and in six weeks thereafter was suspended by their Governor and Council (on purpose to serve a friend) for six months, and from that time until 20th Feb., 170 $\frac{7}{8}$ that it was confirm'd at home, no more notice was taken of it. The Assembly then petition'd the Governor in Council that it might be put in force; But that was not agreed to; because the platt therein prohibited to be exported, was now become the commodity that answer'd best at home. This is the history of that Act, and the true representation mention'd in the Minute of Council which I am to make, is, That there can be nothing of worse consequence than the presumption these people and their Governors have been guilty of in suspending of this Act: the consequence whereof is evident: for no mortal takes further notice of a law here, than what suits his own convenience; and in their discourse, cite this Act commonly, as a precedent to vindicate themselves for the breach of another. If your Lordps. do not send me contrary Instructions, before the time limited in the Minutes of Council, it will be absolutely necessary, to put it in execution, were it for no other reason than to oblige this country, to petition, to have it repeal'd, in a regular manner. For tho' it is an Act of no great consequence any manner of way; there is one good that may be expected from it, and that

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is in order to have it repeal'd, they may be willing to lay a duty upon it, that may support the expences of the Government. Your Lordps. perhaps may think it strange that (till now) I have taken no notice of this; But this excuse I must make for myself: There are several things here of greater consequence which require to be rectified, and when opportunitys offer of broaching of them to the peoples liking I shall watch the occasion: But till then, it is best to let these grievances sleep *etc.* *Requests* that the Act *for lessening the number of the Assembly* may be either confirm'd or repeal'd, "that we may know what we have to trust to." *Signed*, John Hope. *Endorsed*, Recd. 9th June, 1724, Read 28th June, 1726. 9 pp. [C.O. 37, 11. ff. 113-117, 118v.; and (abstract) 37, 24. pp. 20, 21.]

March 22. **98.** Col. Earle to Mr. Delafaye. Requests him to despatch the business of Mr. Haggatt. *Signed*, Jos. Earle. *Holograph. Addressed.* 1 p. *Enclosed*,

98. i. Memorandum. Mr. Othniel Haggatt of Barbados recommended to the Duke of Newcastle for the Council of Barbados by the Honble. Mr. Pelham and Col. Jos. Erle. *Slip.* [C.O. 28, 39. Nos. 18, 18. i.]

March 23. **99.** Mr. Shelton to Mr. Popple. Asks for time, owing to illness, for bringing the Lords Proprietors' answer to the Act of S. Carolina *for vesting the Governor's house etc.* *Signed*, R. Shelton. *Endorsed*, Recd. Read 25th March, 1724. 1 p. [C.O. 5, 359. ff. 9, 10v.]

March 24. **100.** Governor Hart to Lord Carteret. *Encloses* duplicates of 3rd and 11th Dec., being apprehensive the ship by which they went might be lost in the bad weather *etc.* *Continues as No. 102, in relation to trials of pirates, Lowe, and bad prospects of sugar crop.* *Signed*, Jo. Hart. *Endorsed*, Rd. May 29. 3 pp. *Enclosed*,

100. i.-iii. Duplicates of Nos. 102 i-iii. [C.O. 152, 42. Nos. 128-130A.]

March 25. **101.** Petty Expenses of the Board of Trade, Christmas 1723-Lady Day, 1724. £75 8s. 4d. *Details include*, 3 dozen tallow candles, £1; Paid for removing the Books, presses *etc.* from the old Office to the new, £10 19s. 6d.; paid for porteridge, coach hire and wateridge, £4 10s. *etc.* v. *Journal of Council.* [C.O. 388, 78. ff. 87, 91-92v., 95, 96v.]

March 25. **102.** Governor Hart to the Council of Trade and Plantations. *Refers to letters of March 11th and 16th and asks for replies thereto.* *Continues*:—On my arrival in this Island, I found sixteen prisoners committed for piracy, who were taken by Walter Moor

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Master of the sloop *Eagle* on the 5th of Oct. past on the Island of Blanco in the latitude of 12. *Refers to deposition encl. i. Continues* :—On 11th March I held a Court of Admiralty at the town of Old Road in this Island, for the tryal of the said pirates, two of which were in a seperate indictment, vizt., Robert Corp and Henry Winn for deserting the ship *Princess* galley ; and for joyning with the pirates and being aiding and assisting to rob the said ship ; for which they were found guilty *etc.* *Refers to encl. ii. Continues* :—The other fourteen were indicted at the same time for robing the ship *Princess* gally ; and eleven of them were found guilty, the other three been not guilty. *Refers to encl. iii. Continues* :—Two more have been since pardon'd (vizt. Henry Winn and Henry Watson) at the intercession of the Judges of the Court ; they having given sufficient testimony since their tryal, and by the confession of Nicholas Lewis, Quarter Master of the said pirates just before his execution, that he himself had forced both these men, and that they never acted in concert with the pirates ; and particularly that he had whip't Watson twenty six times, but could not prevail with him to sign their articles. The other eleven condemned pirates mention'd, were executed the 20th of this instant, and behaved themselves with greater marks of sorrow and contrition than is usually found amongst those wretched sett of people. I do not hear that there are any more pirates, except a ship commanded by one Lowe with about fifty pirates in his crew ; the most of the pirates latly executed here were formerly with him, and the above named Nicholas Lewis was his Quarter Master and gave a most terrible relation of his barbarity and bloodthirsty temper ; and that particularly in the Bay of Honduras he murder'd forty five Spaniards in cold blood about twelve months past ; and that some time before, he took a Portugueze ship bound home from Brazil ; the Master of which had hung eleven thousand moydores of gold in a bag out of the cabbin window, and as soon as he was taken by the said Lowe, cutt the rope and lett them drop into the sea ; for which Lowe cutt off the said Masters lipps and broyl'd them before his face, and afterwards murder'd the whole crew being thirty two persons. This Lowe is notorious also for his cruelty even to the subjects of the British Nation ; and as a greater monster never infested the seas, I submit it to your Lordships superior judgment, whether it ought not to be recommended to H.M. that a Proclamation be issued, even with pardon to his accomplices, offering an ample reward to such as shou'd bring him in alive or dead. The sloop that was taken in which the pirates were, together with the cargo vizt. 52 ounces of gold dust and nine negroes have been since condemned to H.M. use, by the Judge of the Admiralty of this island, and put into the hands of the Receiver of the casual Revenue here. *Encloses an Act for the continuing and carrying on the fortifications of Brimstone Hill etc.*

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dated the 15th of Oct. past, but never sent to me by the Clerk of the Council till my late arrival here ; and as I had formerly the honour to explain the usefulness of that fortification to your Lordships, and as this Act only continues former Acts for the carrying on that work, I presume I need not explain further upon it. *Encloses Act to prevent the casting or unlading any ballast or rubbish in the havens roads or creecks of this Island* which has already very much damaged them, and the title of this Act carrying it's own exposition with it, I need not give your Lordships more trouble on this head. I have not further to observe to your Lordships relating to the Islands of this Government, But that it is the universal complaint of the Planters in the cutting of their canes, that they shall not make above one half the crop they usually did, from the prejudice they received by the hurricane in September last. *Signed, Jo. Hart. Endorsed, Recd. 1st June, Read 19th Sept., 1724. 5 pp. Enclosed,*

102. i. Deposition of Walter Moor. St. Christophers. Master of the Sloop *Eagle*. On 15th Oct., 1723, on his way to the Spanish coast, he surprised a pirate sloop careened on the Island of Blanco, engaged her and captured 24 of the crew. Upon his information, the Governor of Comena sent and took off the rest, except the pirate Captain George Lowther, who shot himself etc. *Signed, Walter Moor. Endorsed, Recd. 1st June, 1724. 1½ pp.*

102. ii. Trial of Robert Corp and Henry Winn for piracy etc, St. Christophers, 11th March, 1724. *Referred to supra. Endorsed, Recd. 1st June, 1724. 1 large p.*

102. iii. Trial of 14 pirates in St. Christophers, 11th March, 1724. *Referred to supra. 3 large pp. [C.O. 152, 14. ff. 285-287, 288v.-289v., 290v.-292, 293, 293a., 293v.]*

March 27. **103.** Mr. Popple to Governor Worsley. The Council of
Whitehall. Trade and Plantations having received H.M. Orders to make a Representation upon the general state of his Islands in America, remind you of their letter of 13th June last wherein they sent you several queries (copy inclosed), and desire your particular answer as soon as possibly you can, and also inform their Lordships, what Islands there are under your Government unsettled ? What is their soil and natural produce ? What are they capable of producing if improv'd ? N.B.—A like letter was writ to Governor Hart and Governor Phenny. *Annexed,*

103. i. Queries referred to in preceding. What is the trade of the Island under your Government ; the number of shipping belonging thereto, their tonnage and the number of seafareing men, with their respective increase or diminution ? (2). What quantity and sorts of British manufactures do the inhabitants annually

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take from hence? (3). What trade has the Island with any foreign Plantations, or any part of Europe besides Great Britain? How is that trade carried on? What commodities do the people send to or receive from foreign Plantations? (4). What methods are there used to prevent illegal trade, and are the same effectual? (5) What is the natural produce of the Island, are there any, and what manufactures? (6) What mines are there? (7) What may be the annual produce of the commodities of the Island? (8) What is the number of the inhabitants whites and blacks? (9) Are the inhabitants increas'd or decreas'd of late, and for what reasons? (10) What is the number of the Militia? (11) What forts and places of defence are there within your Government, and in what condition? (12) What is the strength of your neighbours? (13) What effect have the French Settlements upon H.M. Island under your Government? (14) What is the Revenue arising within your Government, and how is it appropriated? (15) What number of acres of land are there already *granted from the Crown (these words omitted to Governor Phenny)* and cultivated in each parish *etc*? What the quit rent reserved thereupon, and what number of acres may there by computation remain untaken up or uncultivated? (16) What are the ordinary and extraordinary expences of your Government? (17) What are the establishments, civil and military, and what Officers hold by patent immediately from the Crown? It is desired that an annual return may be made to these queries, that the Board may from time to time be appriz'd of any alterations that may happen in the circumstances of your Government. [C.O. 324, 11. pp. 10-14.]

March 28. **104.** Address of General Assembly of S. Carolina to the Charles Town. King. H.E. having been pleased to communicate to us your Majesty's most gracious Speech to your Parliament of the 9th of January *etc. congratulate H.M. upon his safe and happy return, and the failure of rebellious subjects to introduce Popery and slavery into his Dominions etc.* Endorsed, Presented to H.M. by His Grace the D. of N. *etc.* 1 p. [C.O. 5, 382. No. 36].

March 28. **105.** Mr. West to the Council of Trade and Plantations. *Report upon Act of Bermuda to supply the deficiency of several funds etc.* There is a distinction made between the inhabitants and strangers, the inhabitants being to pay after the rate of 40s. per cent. and strangers £4 p.c. It has been represented to

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me as a reason for it, that the inhabitants are obliged very often upon any intelligence of pyrates to be three or four days under arms at once, and very often obliged to fitt out after them to sea, all which is a very great expence to them and strangers not liable to. *Submits it to their Lordships' judgment etc. Has no objection to the 3 other Acts submitted to him. Signed, Richd. West. Endorsed, Recd. 28th March, Read 19th May, 1724. 1 $\frac{3}{4}$ pp. [C.O. 37, 11. ff. 95, 95v, 96v.]*

March 29. **106.** Governor Nicholson to the Council of Trade and Plantations. *Encloses duplicate of 12th March etc. Will transmit journals by Col. Fenwick, one of the Assembly, who designs for Great Brittain shortly etc. Continues:—Our Assembly broke up late last night and are prorogued to 12th May. The ship being under sail I am obliged to send this down after them etc. Signed, Fr. Nicholson. Endorsed, Recd. 26th May, Read 24th Oct., 1724. 1 p. Enclosed,*

Charles
Town.

106. i. Account of bills received and burnt in pursuance of the Bank Act. (£2231 5s.) *Signed, Char. Hart, Andrew Allen. Same endorsement. 1 p. [C.O. 5, 359. ff. 181, 182v., 183, 184v.]*

March 30. **107.** Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. In order to complete their report on the Acts of Jamaica, desire records relating to the Acts passed by Governor Doiley, 1660 *etc. Signed, P. Yorke, C. Wearg. Endorsed, Recd. Read 31st March, 1724. 1 p. [C.O. 137, 14. ff. 273, 274v.]*

Lincoln's Inn.

March 31. **108.** Mr. Popple to Mr. Attorney and Mr. Sollicitor General. Sends volume of Jamaica Laws *as requested in preceding. [C.O. 138, 16. p. 464.]*

Whitehall.

March 31. **109.** Council of Trade and Plantations to Governor the Duke of Portland. *Acknowledge letters of 25th July, 14th Oct. and 7th Dec. last. Continue: We have also receiv'd the copies of what your Grace has writ to the Lord Carteret and to the Lords of the Admiralty, in relation to Captain Lawes, and the Spaniards having protected the pirate ship Cassandra, and don't doubt but that your Grace will receive the necessary directions upon this head. Ask for speedy reply to enclosed Queries, v. supra, 27th March, and for a report upon the complaint of Isaac Miranda and Ferdinand da Costa, v. 26th May, 1723. Conclude: We are oblig'd to your Grace for the several accounts you have already sent, and as soon as we shall have receiv'd the state of the affairs in your Government, as promis'd 7th Dec., we shall write to you more at large. Congratulate him upon his recovery etc. [C.O. 138, 16. pp. 465, 466.]*

Whitehall.

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March 31. **110.** *Same* to the King. Recommend for confirmation
Whitehall. Act of Barbadoes *for the solemn affirmation of Quakers etc.* [C.O.
29, 14. p. 393.]

March 31. **111.** Mr. Popple to Mr. Burchett. In reply to 5th March
Whitehall. encloses following. *Annexed*,
111. i. Heads of Enquiry relating to the Newfoundland
Fishery, for Commodore Boulter. *As usual.* [C.O.
195, 7. pp. 102–131.]

April 2. **112.** Mr. Popple to John Scrope, Secretary to the Treasury.
Whitehall. Encloses for their Lordships' opinion the three Acts of New
York relating to the debt due to the Revenue from Gilbert
Livingston *etc.* [C.O. 5, 1124. pp. 333–335.]

April 2. **113.** *Same* to Lt. Governor Hope. *Acknowledges* letters of
Whitehall. 11th Nov., 1723 and 14th Jan. last. *Continues*:—My Lords
Commissioners will in a short time return you their answer to
your letters of 4th and 30th July and 11th Nov. *etc.* Mr. Rayner
has been recommended for the Council *etc.* I have recd. the
publick papers you sent me, 14th Jan., together with the tryal
of the *George and Elizebeth etc.*, which I have forwarded, as you
desired, to the Judge Advocate, but I must observe, that their
Lordships will for the future expect to receive not only copies
of all proceedings in your Government, but that you should
keep a distinct correspondence with the several Offices
mentioned in your Instructions, the Clerks of the Board of
Trade having too much business to copy papers for other Offices.
The Board have lately had under their consideration the Act
(1722) *for lessening the number of the Assembly and registering
the Acts*, but can by no means propose the same to H.M.
for confirmation, because the present number and manner of
paying the Assemblymen, is call'd by the preamble of the said
Act, a great hardship and oppression upon the poor inhabitants,
and thence one wou'd infer that this Act had been pass'd to
ease them. But their Lordships don't think that 6s. a day
(the only expence spar'd by this new Act) is reason sufficient
to make so material an alteration in the establishment. Besides
the change in the manner of paying the Representatives, which
at present is done by a tax rais'd upon each parish, but is now
proposed to be out of the publick money, where the same can
best be spar'd, may be a means of laying that charge upon the
Crown, and as great deficiencies often happen in your publick
funds, this Act would probably increase them. I am further
to take notice to you, that there is a misrecital of the Act for
payment of the Assembly, at all future and succeeding Sessions
thereof, the summe enacted there to be paid to each Assembly-
man being 2/8 pr. diem, but the present Act supposes it to have
been only 2/. There is likewise reference had in the new Act

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to another law for appointing the number of the Assembly and registering of the Acts, and not only this law but likewise the last mention'd for paying the Assembly, is intended to be repeal'd but for want of proper words for that purpose, they would both of them still continue in force, tho' the new Act should be confirm'd. [C.O. 38, 8. pp. 15-18.]

April 2. **114.** Mr. Popple to Lady Stapleton. Enquires for General
Whitehall. Hamilton's Commission for trying pirates *etc.* (v. 21st Feb.)
[C.O. 153, 14. p. 127.]

April 2. **115.** H.M. Warrant to Mr. Attorney or Solicitor General to
St. James's. prepare a bill for H.M. signature appointing John Anthony
Balaguier Secretary of Jamaica and Commissary of the Forces
there, and Clerk of the enrollments, upon the death or surrender
of William Congreve. *Countersigned*, Townshend. *Copy*.
[C.O. 324, 35. pp. 61-63.]

April 2. **116.** Duke of Newcastle to Governor the Duke of Portland.
Whitehall. H.M. having been pleased to advance my Lord Carteret to be
Lord Lieutenant of Ireland, and H.M. having at the same time
given me the Seals, and allotted me the same department which
his Lordp. had; I desire your Grace to address your letters to
me, and give me accounts of everything in your Province that
relates to H.M. service, *etc.* *Signed*, Holles Newcastle. [C.O.
324, 25. p. 67.]

April 2. **117.** *Similar letters* to Governor Worsley. Hart, Hope,
Whitehall. Phenny, Burnet, Drysdale, Nicholson, Shute, Phillips. [C.O.
324, 35. pp. 67, 68.]

April 5. **118.** Governor Nicholson to the Council of Trade and
Charles Plantations. *Encloses* duplicate of 29th March *etc.*; and
Town, Naval Officer's list of exports. Is preparing Acts and Journals
So. Carolina. to be sent by Col. Fenwick *etc.* *Signed*, Fr. Nicholson. *En-*
dorsed, Recd. 8th July, Read 29th Oct., 1724. 1 p. [C.O. 5,
359. ff. 185, 186v.; and (abstract) 5, 406. p. 15.]

April 6. **119.** Order of King in Council. Appointing Jotham
St. James's. Odiorne to the Council of N. Hampshire *etc.* v. 27th Feb. and
5th April. *Signed*, Edward Southwell. *Endorsed*, Recd. 14th,
Read 21st April, 1724. 1½ pp. [C.O. 5, 869. ff. 11, 11v.,
12v.]

April 6. **120.** Order of King in Council. Referring to Committee
St. James's. of Council Act of Barbados *for the solemn affirmation of Quakers*,
with representation thereon of 31st March. *Signed*, Edward
Southwell. *Endorsed*, Recd. 14th, Read 21st April, 1724. 1 p.
[C.O. 28, 18. ff. 54, 55v.]

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April 6. **121.** Lt. Governor Wentworth to the Council of Trade and Plantations. *Refers to* letter of 30th Dec. *Continues* :—In the Massachusetts Governmt. about two months past there is a large ship set up and building of about one thousand tuns. The dementions is 130 ft. long, 35ft. beam, to mount 20 guns *etc.*, and designs to load wth. timber and plank *etc.* and then for Lisbon or Cadiz : The management of this affair is under the care of Capt. Stirling an Irish gentleman. The ship being so much bigger then what has been ever built in the Country, I tho't it my duty to acquaint your Lordships. Inclos'd is Mr. Collector's accts. from 25th Sept.—25th March 1724 *etc.* We have had a verry moderate winter, no snow, and the swamps not frozen (this winter), so that there has been but few logs cutt. I have taken care that no spoyle has been made this winter ; (there hapning no snow) the trouble has not been so much as in other winters *etc.* *Signed*, Jno. Wentworth. *Endorsed*, Recd. 2nd, Read 5th June, 1724. $1\frac{3}{4}$ pp. [C.O. 5, 869. ff. 15, 15v., 16v.]

April 9. **122.** Mr. Scrope to Mr. Popple. *Reply to* 2nd April. The Lords Commrs. of H.M. Treasury have no objection *etc.* *Signed*, J. Scrope. *Endorsed*, Recd. 10th, Read 14th April, 1724. 1 p. [C.O. 5, 1053. ff. 175, 176v.]

April 10. **123.** Mr. Scrope to Mr. Popple. My Lords desire that the Commissioners of Trade will examine and report upon enclosed *etc.* *Signed*, J. Scrope. *Endorsed*, Recd. 14th, Read 21st April, 1724. *Addressed*. 1 p. *Enclosed*,

123. i. Petition of Samuel Cox to Robert Walpole and the rest of the Commissioners of the Treasury. Prays for 9 months salary due to him. As President of the Council of Barbados, petitioner has obtained orders for £1500 for 18 months salary, 12th Oct., 1720–12th April, 1722. The present Governor did not arrive till 17th Jan., 1722(3). *Signed*, Charles Cox for Samuel Cox. $\frac{3}{4}$ p. [C.O. 28, 18. ff. 56, 57, 59v.]

April 10. **124.** Governor Hart to Lord Carteret. *Reply to* C.S.P., St. 15th May, 1723. *q.v.* Mr. Lucas has replied to Mr. Hoskins in a letter to me, with a stated account *etc.* *Prays* that said letter may be ordered to be sent to Mr. Hoskins. *Concludes* : Mr. Lucas is a gentleman of a very worthy character and heir to one of the best estates in Antegoa *etc.* No doubt he will very honourably discharge Mr. Hoskins' just demands *etc.* *Signed*, Jo. Hart. *Endorsed*, Rd. June 23, 1724. $1\frac{3}{4}$ pp. [C.O. 152, 42. No. 131.]

April 11. **125.** Memorial of Elisha Cooke and Anthony Sanderson, Agents for the Assembly of the Massachusetts Bay, to the Duke

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of Newcastle. Col. Shute's second Memorial (*v.* 5th March) is presented with a view to deferring the consideration of the first memorial, the Assembly's answer confuting the whole charges therein. As the matter in the second memorial is altogether new, *pray that* the reference of the first may proceed, and that Mr. Attorney and Solicitor General may be directed to suspend all proceedings on the second (it having been likewise referred to them) until an answer to it be received from the Assembly *etc.* *Signed*, Elisha Cooke, Antho. Sanderson. 2 pp. [*C.O.* 5, 752. *No.* 24.]

April 13. **126.** Lady Stapleton to Mr. Popple. "as soon as I received your letter I went into the country to look over the papers that came home : where I found the patents I now send" (Commission for trying and pardoning pirates *v.* 15th May), "which to be shew was sent home by a mistake." *Signed*, F. Stapleton. *Endorsed*, Recd. 17th, Read 28th April, 1724. *Addressed*. 1 p. [*C.O.* 152, 14. ff. 254, 255v.]

April 14. **127.** Mr. Popple to Mr. West. Presses for report upon Act of Barbados for raising a levy *etc.* [*C.O.* 29, 14. p. 394.]
Whitehall.

April 15. **128.** Governor Nicholson to the Council of Trade and Plantations. *Duplicate of No.* 106. *Signed*, Fr. Nicholson. *Endorsed*, Recd. 15th June, Read 29th Oct., 1724. 1 p.
Charles Town, So. Carolina. *Enclosed*,

128. i. Duplicate of *No.* 118.

128. ii. List of Exports from S. Carolina, 30th May, 1721–25th March, 1724. *Totals* : Barrels of, pitch, 12720 ; tar, 7083 ; rice, 13,980. Of which 1476, 1642 and 3200 respectively were exported to the Plantations (Boston, New York, Philadelphia, Virginia, Piscataway, Rhode Island, Jamaica, Barbados, Bermudas, Providence, St. Kitts, Antegoa). The rest to Great Britain.

Imports of iron made in N.E. since 30th May, 1721. *Totals*, 521 axes, 203 cart. boxes, 11 bars *etc.* *Same endorsement.* 1 p. [*C.O.* 5, 359. ff. 187, 188–189v.]

April 15. **129.** Council of Trade and Plantations to the King. *Recommend* for confirmation the three Acts of New York relating to Mr. Livingston's debt. "As there is a composition intended to be made by the said Acts for a debt due to the Revenue of New York, we have consulted the Lords Commissioners of your Majesty's Treasury, who have no objection" *etc.* [*C.O.* 5, 1124. pp. 336, 337 ; and (*rough draft*) 5, 1079. *No.* 136.]
Whitehall.

[April 15.] **130.** Proceedings of Court of Chancery, Barbados, Jan. 22–April 15, 1724. 12 pp. [*C.O.* 33, 27. *No.* 2.]

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April 17. **131.** Council of Trade and Plantations to the Duke of Newcastle. Ask for H.M. orders upon the difficulty of the Council of Antigua as to provision being made for the Governor by a new Assembly (11th March). [*C.O.* 153, 14. *pp.* 130-132.]
Whitehall.

April 17. **132.** Order of Committee of Council. Upon representation of 4th Sept. 1723, direct the Council of Trade and Plantations to report what conditions, restrictions and limitations are proper to be contained in a grant of the lands desired by Col. Vetch *etc.* *Endorsed*, Recd. 28th April, Read 13th May, 1724. $3\frac{3}{4}$ *pp.* [*C.O.* 217, 4. *ff.* 241-244v.]
Whitehall.

April 17. **133.** Order of Committee of Council. Referring to the Council of Trade and Plantations the petition of William West, Peter Longueville and others for a grant of land for a settlement between Nova Scotia and Maine. *v.* A.P.C. II. No. 1300. *Signed*, Ja. Vernon. *Endorsed*, Recd. Read 12th May, 1724. $1\frac{1}{2}$ *pp.* *Enclosed*,
Whitehall.

133. i. Petition of William West, and Peter Longueville *etc.* to the King. March 2, 1716. *v. preceding.* *Copy.* 4 *pp.*

133. ii. Council of Trade and Plantations to the King. *Copy* of C.S.P. May 21st, 1718.

133. iii. Extract from Charter of the Massachusetts Bay. 2 *pp.*

133. iv. Petition of William West, *etc.* to the King. Dec. 17, 1718. *v.* A.P.C. II. No. 1300. *Copy.* 4 *pp.*

133. v. Report of Committee of Council, upon preceding, 17th Dec., 1720. *v.* A.P.C. II. *p.* 746. *Copy.* $2\frac{1}{2}$ *pp.*

133. vi. Petition of William West *etc.* to the King, 21st Feb., 1723 $\frac{3}{4}$, referred to in covering order. *Copy.* 3 *pp.* [*C.O.* 217, 4. *ff.* 209-218, 219-220, 230v.]

April 20. **134.** Duke of Newcastle to the Council of Trade and Plantations. Encloses, for their report, following complaint, put into his hands by Monsr. Chammorel, the French Secretary *etc.* *Signed*, Holles Newcastle. *Endorsed*, Recd., Read 21st April, 1724. 1 *p.* *Enclosed*,
Whitehall.

134. i. Receipt for £10 S. Carolina money, reckoned equal to £1 10s. sterl., received from M. Courturier. *Signed*, Wm. Timley. $\frac{1}{4}$ *p.*

134. ii. Governor Nicholson's warrant to the Provost Marshal of S. Carolina, 8th Feb. 1723, directing that M. Couturier, now in custody, sell the two Indian slaves by him brought into the Province by Wednesday next to such purchasers as will enter into bond in £100 to transport them to the West Indies. No person is to speak to the prisoner *etc.* *Copy.* 1 *p.*

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134. iii. M. Couturier to M. Chammorel. Obligated to return from Louisiana to Europe, and being assured by several Englishmen that he could pass through Carolina, petitioner went to Charleston, where the Governor threw him into prison as a spy, together with two young Frenchmen and two native slaves he had with him. After three weeks, the Governor informed him that he must sell his two slaves and that he would then give him a pass for Europe. Petitioner replied that he could not abandon one of the slaves, who had twice saved his life. The Council and Assembly did their utmost to obtain petitioner's release, but the Governor refused and ordered the sale of said slaves (*v. No. ii*). The Governor compelled petitioner to sail before he was paid what was owed to him. Just before he sailed, the Provost Marshal and the Secretary of the Province compelled him to pay heavy fees to them (*v. No. i*). *Prays for an Order from the English Court that he be reimbursed etc. French. 2½ pp. [C.O. 5, 359. ff. 12, 13, 14, 15–16v.]*

April 22. **135.** [*?Duke of Newcastle?*] to the Lords of the Treasury.
Whitehall. Encloses, for their opinion thereon, Address of the Council and Assembly of St. Kitts proposing that 500 acres of the late French lands may be allotted towards the Governor's subsistence *etc. Without signature. 1 p. [C.O. 152, 40. No. 13.]*

April 23. **136.** Mr. Popple to Richard Shelton. My Lords Commissioners desire to know as soon as possibly may be, the opinion of the Lords Proprietors of Carolina upon the Act passed in 1721 *for vesting the fee simple of a certain plantation and house commonly called the Governor's house in the Honourable Robert Johnson Esq. [C.O. 5, 400. pp. 180, 181.]*

April 23. **137.** Council of Trade and Plantations to the Duke of Newcastle. *Reply to 20th April.* We have as yet received no account [of *M. Couturier's* complaints] from the Governor of S. Carolina, nor doth the Agent of that Province know anything of the matter; we have therefore order'd our Secy. to transmit the said complaints to Genl. Nicholson for his answer *etc. Autograph signatures. 2 pp. [C.O. 5, 382. No. 37; and 5, 400. pp. 181, 182.]*

April 24. **138.** Council of Trade and Plantations to the King. *Lay before H.M. Acts of Montserrat and St. Christophers' passed since H.M. accession. (a) List of temporary Acts and Acts to which they have no objection. (b) List of Acts "concerning the usefulness and effect wherof we are doubtfull, and therefore humbly propose they may lye by probationary, till further*

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experience thereof shall incline your Majesty to confirm or repeal them." Acts of St. Christophers. (1) 1716, *for regulating fees of officers and Courts*; (2) 1719, *for raising an impost upon liquors imported and collecting arrears etc.* (3) 1719, *for laying a tax on retailers of strong liquors and lessening the numbers of distillers etc.* (4) 1719, *for settling a salary on Wm. Nivine, Agent for the Island etc.* (5) 1722 & 1723, *to regulate the Militia.* (6) *for raising gunpowder and small arms upon the tonnage of vessels trading to this Island etc.* (7) *for the good government of servants etc.* (8) *for attainting several negroes and preventing negroes running away etc.* (9) *for regulating vestries etc.* (10) *for enjoying a quarantine etc.* Acts of Montserrat. (i) 1715. Repealing the Six Pound Act. (ii) 1718, *reducing interest from 10 to 6 p.c.* (iii) 1718, *prohibiting levying of executions from 31st Aug. to 1st March.* (iv) 1719, *for punishing persons detaining other persons' slaves or servants.* (v) 1719, *Exempting members of Council, Assembly etc. from arrests on public days.* (vi) 1721. Repealing Act granting the duties on liquors to Thomas Tolmash, *etc.* [C.O. 153, 14. pp. 132-144.]

April 24.
Whitehall.

139. Mr. Popple to Governor Nicholson. *Encloses complaint of M. Couturier etc. (v. 20th April) for his reply as soon as possibly may be etc. Concludes:—*Upon this occasion, I am to remind you of your 96th Instruction, whereby you are oblig'd upon all occasions to send unto H.M. and to his Commissioners for Trade and Plantations a particular acct. of all your proceedings, and of the condition of affairs within your Government. [C.O. 5, 400. pp. 183, 184.]

April 25.
St. James's.

140. The King to Governor Phenney. With this you will receive a great silver Seal *etc. described.* The leaden Seal (March 30, 1723) is to be defaced before you in Council and transmitted to the Council of Trade to be laid before us in Council as usual. *Countersigned,* Holles Newcastle. [C.O. 324, 35. pp. 68, 69.]

April 28.
Custom ho.,
London.

141. Commissioners of Customs to the Lords Commissioners of the Treasury. Mr. Lechmere, Surveyor General of the Northern Continent of America, having, 24th Jan., transmitted to us the memorial of Wm. Lambert, Comptr. of the Customs at Boston setting forth that Dec. last he received an information that W. Whipple Master of the *William and Mary* brigantine who some time before entred at Boston from Lisbon with salt only had stop[p]ed at Piscataqua and landed there 3 casks of wine and oyl without making any report thereof and that on his arrival at Boston he had clandestinely run some red skins of leather and some jarrs of oyl the produce of Spain, he obtained a warrant from the Lt. Governor and on search found 18 skins of leather and 12 jarrs of oyle *etc.* He exhibited a

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libell in the Court of Vice Admiralty against said vessell and goods and summoned the whole crew to appear, where two wittnesses only appeared and gave evidence in behalfe of H.M. who were so grossly affronted by some merchants and others in a riotous manner that Lambert was obliged to apply to the Court for their protection during the sitting of the Court which was granted and the Court was adjourned to another day when there was a publick tryall and the two evidences again appeared and on their examination they were scuriously treated by many that appeared in the Court and as soon as the Judge had left the Court some merchants and masters of ships with a great number of other persons in a violent and mobbish manner assaulted the said evidences kicked and pushed them downstairs and beat one of them so unmercifully dragging him thro' the streets that it is not yet known what may be the consequence and if the Sheriff had not come to his assistance and taken him into his house it is generally beleived he would have been murdered, and they even threatened to use the Judge of the Court and the Officers of the Customs in the same manner in case sentence was given against them all which appears more fully by several affidavits sent home to Governor Shute remaining in his hands. And the Officers of the Customs in New England having at other times been insulted and abused in the execution of their duty, we humbly pray your Lordps. will please to be a means that our Officers and their assistants may be protected in the execution of their duty. *Signed*, Walter Yonge, T. Walker, J. Evelyn, Ja. Campbell. *Endorsed*, The Governor to advise the proper methods. $2\frac{1}{2}$ pp. [C.O. 5, 898. No. 32.]

April 29. **142.** Mr. Popple to Mr. West. Again presses for report on Whitehall. Act of Barbados for *raising a levy etc.* [C.O. 29, 14. p. 395.]

April 30. **143.** Order of King in Council. Repealing Act of New St. James's. York, 1720, for *laying a duty on European goods etc.*, and directing that a general Instruction be sent to Governors of Plantations not to give their assent to any such Act *etc.* *Set out*, N.Y. Col. Doc. V. 706. *Signed*, Jas. Vernon. *Endorsed*, Reed. Read 13th May, 1724. $2\frac{1}{4}$ pp. [C.O. 5, 1053. ff. 177-178v.; and 181, 181v., 182v.]

April 30. **144.** Order of King in Council. Confirming three Acts of St. James's. New York relating to Gilbert Livingston. *Signed and endorsed as preceding.* $1\frac{3}{4}$ pp. [C.O. 5, 1053. ff. 179, 179v., 180v.]

April 30. **145.** Order of King in Council. Referring following to the St. James's. Council of Trade and Plantations for their report. *Signed*, Jas. Vernon. *Endorsed*, Reed. 19th., Read 21st May, 1724. 1 p. *Enclosed*,

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145. i. Petition of Merchants of London trading to New York to the King. By an Act of New York, 1720, *for the encouragement of the Indian trade etc.*, all trade whatsoever is prohibited in the strictest manner and under the severest penalties between the inhabitants of New York Government and the French of Canada or any subjects of the French King, or any person on their behalf *etc.*, which Act was to continue in force for three years *etc.* It has not been confirmed by H.M., but, petitioners conceive, was suffered to lay by probationary. The Government of New York are about passing an Act to continue it. Though the Act, in the first intention of itt, might be well designed, yet in it's effects, it hath proved very pernicious to the British trade in generall and to the interest of New York in particular. For besides the Nations of Indians that are in the English interest, there are very many Nations of Indians who are at present in the interest of the French, and who lie between New Yorke and the Nations of Indians in the English interest; and this Act prohibiting all trade between Yorke and the French, *etc.*, the French and their Indians would not permitt the English Indians to pass over by their forts, so as to carry on free trade with New Yorke, but prevented their passages as much as possible, whereby that most considerable, and only valluable branch of trade from New Yorke, hath been very much lessened, *etc.*, and all the Indian goods have by this Act been raised in their price 25 to 30 p. cent. Whereas on the other hand this branch of the New Yorke trade, by the discouragement brought upon it by this Act, is almost wholly ingrossed by the French, who have already by it been encouraged to send proper European goods to Canada to carry on this trade, so that should this Act be continued the New Yorke trade, which is very considerable, must be wholly lost to us, and center in the French, which may estrange the Five Nations *etc.* and prevent the English interest being improved among the French Indians *etc.* *Pray that the Governor of New York may be directed not to pass any such reviving Act etc.* Signed, Samll. Baker and 19 others. Copy. 6 pp. [C.O. 5, 1053. ff. 183, 184-186v., 188v.]

April 30. 146. Order of King in Council. Repealing Act of Virginia St. James's. *for laying a duty on liquors and slaves*, and ordering that "the Governor do not on any pretence whatever presume for the future to give his assent to any Act of this kind without inserting a clause therein suspending the execution thereof till H.M.

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pleasure shall be known concerning the same." *Signed*, Jas. Vernon. *Endorsed*, Recd. Read 13th May, 1724. $1\frac{3}{4}$ pp. [C.O. 5, 1319. ff. 165, 165v., 166v.]

April 30. **147.** Council of Trade and Plantations to the King. Re-
Whitehall. commend for confirmation Act of S. Carolina *for vesting the fee simple of the Governor's house in R. Johnson, etc.* [C.O. 5, 400. pp. 184, 185.]

April 30. **148.** *Same* to the Lords Commissioners of the Treasury.
Whitehall. *Reply to April 10th.* By H.M. Instructions to the Governor of Barbados, the Presidents of the Council there, acting as Commanders in Chief during the absence of the Governor are entitled to the moiety of his salary. It appears by the papers in this Office that Mr. Cox did not begin to act as President till 5th Dec., 1720, and that Mr. Worsley arrived in that Island, 19th Jan., 1723, yet Mr. Cox carries his demand backwards as far as 12th Oct., 1720, because the Order in Council appointing him President bears date on that day; But the moiety of the Governor's pay given by the aforesaid Instructions, during the Governor's absence, to the President of the Council, being annex'd to his actual service as such; we do not see how Mr. Cox can justly claim any pay whilst another person actually discharg'd the Office. [C.O. 29, 14. pp. 395, 396.]

April 30. **149.** Council of Trade and Plantations to the King.
Whitehall. Recommend Major Peter Soulegre for the Council of St. Kitts instead of Mr. Wilward, decd. [C.O. 153, 14. p. 145.]

April 30. **150.** *Same* to the Duke of Newcastle. Enclose Address
Whitehall. from the Council and Assembly of St. Christophers, to be laid before H.M. *Autograph signatures.* 1 p. [C.O. 152, 40. No. 12; and 153, 14. p. 146.]

April 30. **151.** Order of King in Council. Approving report of Com-
St. James's. mittee on Excise Act of Barbados, that it expires on Aug. 8 and it is not advisable to repeal it, but that directions be sent to the Governor about his passing Acts of this kind for the future *etc.* *Orders to Governor as set out A.P.C. III. No. 58, under date 20th April.* *Signed*, Jas. Vernon. *Endorsed*, Recd. Read 13th May, 1724. $2\frac{1}{4}$ pp. [C.O. 28, 18. ff. 74-75v.]

April 30. **152.** Order of King in Council. Confirming Act of Bar-
St. James's. bados *for the solemn affirmation of Quakers etc.* *Signed and endorsed as preceding.* $1\frac{1}{2}$ pp. [C.O. 28, 18. ff. 76, 76v., 77v.]

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- April 30. **153.** Richard Partridge to the Council of Trade and Plantations. Understanding that the other law relating to the provincial tax for 1723 is come over from the Massachusetts, which affects our Friends, whose cause before the Lords Committee of Council is not like to be heard till that law be also lodged at the Council Office *etc.*, *prays* that it may be sent up accordingly. *Signed*, Richard Partridge, in behalf of the sufferers the petitioners. *Endorsed*, Recd. Read 30th April, 1724. *Addressed*. $\frac{1}{2}$ p. [*C.O.* 5, 869. *ff.* 13, 14v.]

- April 30. **154.** Mr. Yonge to the Council of Trade and Plantations. I am informed that Governor Nicholson confined M. Couturier (*v.* 20th April), because he left the French settlements against the consent of the Governor of Mowille, and came without a pass; the want of which gave just reason to suspect he came to tempt away the slaves from the inhabitants, or on some other ill design *etc.* *Prays* that copy of complaint be sent to Governor Nicholson *etc.* *Endorsed*, Recd. 11th May, Read 22nd July, 1724. 2 pp. [*C.O.* 5, 359. *ff.* 27, 27v., 28v.]

- April []. **155.** Petition of the Lessees of the Bahama Islands to the King. Petitioners are still willing to continue their endeavours to settle above islands *etc.*, if they can have your Majesty's further encouragement. About 15 years of their lease are yet unexpired. They are altogether unable to recover their debts or to call to account their officers and servants, without being invested with powers of acting as a corporate body. *Pray* H.M. to send another independent company with stores of war, to allow a salary to the Governor with needful expenses for supporting the civil Government, and to grant petitioners a royal charter of incorporation according to annex proposal. (*Cf.* C.S.P., 1st Nov., 1723.) 1 p. *Enclosed*,

155. i. Heads proposed for Charter referred to in preceding. $2\frac{1}{4}$ pp. [*C.O.* 23, 12. *Nos.* 85, 85.i.]

- May 1. **156.** Petition of Anthony Sanderson to the Council of Trade and Plantations. Petitioner was appointed Agent to the Assembly of the Massachusetts Bay in 1722 *etc.* Mr. Popple has informed him with your Lordships' pleasure that no clerk in your Lordships' service should Act as Agent to any of the Governments abroad. Petitioner has been employed in this Office for near 15 years with a small salary, and as there are Clerks in other Offices permitted to act as Agents, *prays* to be permitted to act as Agent for the said Assembly in other offices, or at least till the affair of Col. Shute and the Assembly shall come to a conclusion *etc.* *Endorsed*, Recd. Read 1st May 1724. $1\frac{1}{2}$ pp. [*C.O.* 388, 78. *ff.* 85, 85v., 86v.]

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May 4. **157.** Mr. West to the Council of Trade and Plantations. Report upon Act of Barbados *to raise a levy etc.* Discusses at length and concludes there is no objection to its being passed. *Signed, Richd. West. Endorsed, Recd. 4th, Read 5th May, 1724. 2½ pp. [C.O. 28, 18. ff. 60-61v.]*

May 5. **158.** H.M. warrant appointing James Dottin, Councillor of Barbados, in place of William Dottin decd. *Countersigned, Holles Newcastle. Copy. [C.O. 324, 35. p. 70.]*

May 5. **159.** Mr. Popple to Anthony Balam. Requests a return
Whitehall. of imports and exports of sugar and tobacco Christmas 1702-1722, distinguishing exports from the several Plantations *etc.* *[C.O. 389, 28. p. 150.]*

May 5. **160.** Governor Nicholson to the Council of Trade and Planta-
Charles tions. This is designed (God willing) by the Honble. Collo.
Town. John Fenwick, by whom I also send a box containing the laws, with journalls of both Houses of our Assembly. This Gent. hath a very good charrecter in all respects, is Collo. of one of our Regiments of Foot and esteemed a man of very good courage and conduct having (when this country was invaded) commanded the party of English that beat those Frenchmen that landed to the northward of this place ; He is one of the principal members of our Commons House of Assembly ; one of the Assistant Judges of H.M. Supream Court of Pleas here and very well affected to H.M. Government but having been for some time afflicted with the phthisick *etc.* makes him undertake this voyage *etc.* *Refers* them to him "for a just and full account of our affairs, being (as with humble submission I think) a person very well qualified so to do, and very much better than some few in Great Brittain and here who greatly pretend and very much boast of what they can do and what credit is given to them " *etc.* *Continues* :—I am also in hopes that no objection will be made to any of the Acts. The Act *for keeping and maintaining a watch in Charles Town* (with humble submission I think) contains reasons for its justification and that without it we in this place must be in the utmost confusion as in the primitive state of Nature every one doing what is right in his own eyes and dayly and nightly suffering mischiefs and insults both from the inhabitants and seafaring people. The Act *for regulating the guard for Johnson's Fort* will be a means (I hope) for its much better regualation than hitherto it hath been under. The good effects of the several Acts *for settling the pillotage* we already find by a better mannagement and greater application of the pilotts than it hath hitherto had. The Act for the *better regulating the Indian trade* I hope will have the like good effect the Honble. Collo. George Chicken (who succeeds

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ye late Collo. Moore in the office of Comiconr. for Indian affairs and supervising the garrisons) was to goe yesterday with my order to visitt Fort Moore and the Pallachucola Fort and I hope will return by ye 19th instant the time of the sitting of ye Assembly. The Act for the better security of this H.M. Province. (I hope) will cause people to travel better armed in times of publick meetings when nigroes might take the better opportunity against great numbers of unarmed men. The Act appointing Comissrs. to receive the money due on bonds etc. hath already had very good effects as your Lordps. may please to see by the Commissrs. return made to me. The Act for joyning and annexing the ferry path is for the conveniency of all passengers using the same. The three additional Acts vizt. to ye Watch Act, to ye Act for appointing a Comiconr. to manage the affair of the Indians and to that to appoint Commrs. to receive etc., we all thought absolutely necessary. *Refers to enclosures. Concludes:* We have several ships and vessells here now loading but I suppose some of the principall of them will endeavour to gett over the barr the next spring tide which begins ye 11th instant. We expects some more ships and vessells and (God willing) I hope they will be all loaded and gone the 24th of June next etc. *Signed, Fr. Nicholson. Endorsed, Recd. 24th June, Read 29th Oct., 1724. 2½ pp. Enclosed,*

160. i. List of enclosures. *Signed and endorsed as preceding. 1 p.*
160. ii. (a) Governor Nicholson's Additional Instructions relating to private Acts. v. 23rd July, 1723. *Copy. 1½ pp.*
160. ii. (b) Governor Nicholson's Message to the Assembly, 26th March, 1724. Communicates above Instruction etc. *Copy. ½ p. The whole endorsed as covering letter.*
160. iii. Proclamation proroguing the Assembly to 19th May. Charles Town, 29th April, 1724. *Signed, Fr. Nicholson. Same endorsement. Copy. 1 p.*
160. iv. Account of £4944 15s. bills received and burnt by the Commissioners for receiving money due on bonds etc. *Signed, Char. Hart, Andrew Allen, Robt. Tradd. Same endorsement. Copy. 1 p.*
160. v. Commissioners for printing bills etc. to Governor Nicholson. 24th April, 1724. There has been burnt by a Committee of both Houses £49,045 of the old bills, and there is now ready to be burnt £3070 more, and we have ready to exchange about £4000. *Signed, Will. Dry, H. Houser, T. Hepworth. Same endorsement. Copy. 1 p. [C.O. 5, 359. ff. 190-197v.; and (abstract of covering letter), 5, 406. p. 16.]*

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May 6. **161.** Petition of Col. Vetch, in behalf of himself and others, to the Council of Trade and Plantations. Upon the Order in Council, April 17th, prays that a short day may be appointed for hearing the petitioners. *Endorsed*, Recd. 6th, Read 13th May, 1724. $\frac{3}{4}$ p. [C.O. 217, 4. ff. 245, 246v.]

May 6.
London.

162. Memorial of Merchants of London trading to and concerned in Barbados to the Council of Trade and Plantations. Petition against Act to raise a levy and establish a method to supply the want of cash etc. A similar Act was laid before the Board and objected to in 1706. This is no less injurious to the creditors of the Island. By forcing on us a paper credit of notes for the payment of debts due to us on bonds, judgments, etc., already given, it assumes a power never yet attempted by the Legislature of this Kingdom. The former paper money was at 40 p.c. discount, and the merchants, in order to clear their hands of them, were obliged to lend them on indifferent security, and made many bad debts thereby. If this Act should pass, the money now left in the Island will be wholly lockt up etc. Apart from other particulars contrary to the laws of this Kingdom and the trade thereof and the welfare of that Island, etc. we beg leave to observe that by this Act it is made felony for any person to counterfeit any of the bills of credit, which is so far just, but the Treasurer, in case he shall make ever so many bills more than are appointed by the Act, incurs no other penalty than to receive them back again, nor is there security that a Treasurer shall not coin more bills than he is able to satisfy etc. *Conclude*: A forced paper credit cannot be of any real advantage to that Island, for by forcing of paper, the money now remaining there, will be no more seen, trade will decay, and provisions become scarce and dear, which were the consequences of the former paper credit. 42 signatures. *Endorsed*, Recd. Read 7th May, 1724. 2 pp. [C.O. 28, 18. ff. 62, 62v., 63v.]

May 6.
Whitehall.

163. Council of Trade and Plantations to the King. *Propose* repeal of Act of the Massachusetts Bay, 1723, *apportioning and assessing a tax of £6205 15s. 7½d.* "By which Act, a tax is laid in express terms upon the inhabitants of Dartmouth and Tiverton for the support of a Presbyterian, whom they call an Orthodox Minister, which falls almost entirely upon the Quakers, there being very few inhabitants of any other persuasion in those two towns; But as by the Charter granted to this Province, a free and absolute liberty of conscience to all Christians, except Papists, was intended to have been their foundation and support. And as by several laws pass'd there, it seems to have been laid down as a just and equitable rule, that the majority of each town or congregation shou'd have the choice of their own

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teacher, wee cannot see why the Quakers should be refused this liberty in the towns where they are so great a majority, and be obliged to maintain a teacher of a different persuasion." [C.O. 5, 915. pp. 400-402.]

May 7. **164.** Proposals for the form of grant and scheme of Government for the settlement between Nova Scotia and Maine (v. April 17th). Signed, by Order of the Petitioners (*i.e.* W. West, *etc.*) William Birkhead. *Endorsed*, Recd. Read 12th May, 1724. 12 pp. [C.O. 217, 4. ff. 232-237v., 240v.]

May 7. **165.** Council of Trade and Plantations to the Lords of the Treasury. The new Office now fitting up for this Board, being remote from the Cockpit and the other Offices settled there, and consequently not sufficiently secured from fire, robbery or other accidents, it will be very necessary for H.M. service, that upon our removal from hence, we should have another Officer added to our Establishments, in quality of Porter, who may constantly attend there, and take charge of our Office. We would therefore intreat your Lordships to obtain H.M. Orders for the appointment of such an Officer, at a salary of £40 pr. annum to commence from Midsummer Day next, by which time we presume, we may remove to our new office. [C.O. 389, 37. pp. 236, 237.]

May 7. **166.** Mr. Popple to Mr. Burchett. Encloses extract of Governor Worsley's letter (March 3) relating to Capt. Cooper, for the information of the Admiralty. [C.O. 29, 14. p. 398.]

May 12. **167.** Address of Lt. Governor Dummer to the King. Boston. Recommends for H.M. pardon Wm. Taylor and Wm. Phillips, two pirates, for whom extenuating circumstances were found when two others were condemned and executed, 12th May. They were members of a piratical crew, some of whom threw the Captain, boatswain, and gunner overboard and brought the rest to justice *etc.* Signed, Wm. Dummer. 2 pp. [C.O. 5, 10. No. 181.]

May 12. **168.** Petition of Arthur Savage to the King. Petitioner has acted as Secretary of Nova Scotia for several years, by commission from the Governor, but has received no pay, nor perquisites to the amount of the paper expended *etc.* *Prays* for H.M. Commission for that office. Signed, Arthur Savage. 1 p. [C.O. 217, 31. No. 23.]

May 12. **169.** Mr. Popple to Richard Harris. Encloses "the several queries mentioned to you this morning at the Board relating to the Sugar Trade for the answers of the gentlemen contracting to or concern'd in Jamaica" *etc.* Requests his attendance with

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replies that day fortnight. *Mem.*: A like letter was writ to Mr. Wm. Tryon and Mr. Newport for Barbados, and to Mr. Gerrish for the Leeward Islands. [*C.O.* 389, 28. *p.* 152.]

May 12. **170.** Mr. Popple to Richard Shelton. Repeats enquiry of
Whitehall. 12th Nov. 1723, as to the sentiments of the Lords Proprietors of Carolina upon the proposal for settling the disputed boundary with Virginia. [*C.O.* 5, 1293. *p.* 337.]

May 12. **171.** Order of King in Council. Appointing Peter Soulegre
St. James's. to the Council of St. Christophers. *Signed*, Robert Hales. *Endorsed*, Recd. 2nd June, Read 22nd July, 1724. 1 *p.* [*C.O.* 152, 14. *ff.* 256, 257v.]

May 12. **172.** Order of King in Council. Referring representation
St. James's. of 24th April upon Acts of Montserrat and St. Christophers, to a Committee of the Council. *Signed and endorsed as preceding.* $\frac{3}{4}$ *p.* [*C.O.* 152, 14. *ff.* 258, 259v.]

May 12. **173.** Order of King in Council. Referring to a Committee
St. James's. Representation (6th May) on Act of Massachusetts Bay for apportioning a tax etc. *Signed*, Robert Hales. *Endorsed*, Recd. 2nd June, Read 22nd July, 1724. 1 *p.* [*C.O.* 5, 869. *ff.* 17, 18v.]

May 12. **174.** Order of King in Council. Referring Act of S. Carolina
St. James's. for vesting the Governor's house, etc., and representation of 30th April thereon to a Committee of the Council. *Signed*, Robert Hales. *Endorsed*, Recd. 2nd June, Read 22nd July, 1724. 1 *p.* [*C.O.* 5, 359. *ff.* 29, 30v.]

May 12. **175.** Governor Burnet to the Council of Trade and Planta-
New York. tions. *Explains* Act of New Jersey for additional support of Government and making current £40,000 in bills of credit for that and other purposes mentioned therein, and urges the benefit of a paper currency. The Act is to take effect immediately. *Encloses* three other Acts and the printed Acts etc. *Set out*, N. J. Archives, 1st Ser. V. 86. *Signed*, W. Burnet. *Endorsed*, Recd. 4th July, 1724, Read 12th May, 1726. 15 *pp.* *Enclosed*,

175. i. Method of issuing, applying and sinking the bills referred to in preceding. *Endorsed*, Recd. 4th July, 1724. 2 *pp.*

175. ii. Further reasons for passing above Act: (i) The paper currency in New York and Pennsylvania. (ii) For want of a proper tender debtors have been driven deeper and deeper into debt, the lawyers' fees being more than all the debts that were for some time recovered. In one small county nearly 300 actions

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were commenced the year before the bills were made current, and only five actions in one Court since. (iii) It has enabled business to expand, traders before not being able to get the money owing to them. Now they are beginning to build vessels to trade with in the West Indies and bring back gold and silver *etc.* (iv) The new money has enabled many to set about draining of swamps (of which Jersey has a great many) fit for hemp, and the bent of the people is now very much upon that manufacture. (v) Above $\frac{1}{4}$ of the exportation of New York and Pennsylvania is of the growth of Jersey, which ought therefore to have paper currency in proportion to that of those provinces *etc.* *Endorsed as preceding.* $2\frac{1}{4}$ pp. [C.O. 5, 972. ff. 91-98v., 99v.-102v.]

May 13. **176.** Duke of Newcastle to Governor Burnet. Monsr. Whitehall. Chammorel, the French Secretary here, having represented, that the Sieur Couturier hath been unjustly seized and detained by the Govr. of S. Carolina in his passage through that country homewards from the French Plantations, and that among other hardships he hath been obliged by the said Governor to sell two slaves whom he was bringing home; the King hath been pleased to order an enquiry to be made into the truth and grounds of the several matters of complaint. But in regard it will be a considerable time before the necessary informations concerning the same can be transmitted hither from Carolina, the sd. Monsr. Chammorel hath requested that in the meantime the two slaves abovementioned may be delivered back to the said Sieur Couturier, he paying back the price which he recd. for them in South Carolina. The King *etc.* hath judged it reasonable that the said slaves who were transported from Carolina to New York and are supposed to be at present in the possession of some person in that Province should be delivered to the said Sieur Couturier upon the condition abovementioned, *etc.* In case Couturier shall apply to you in that behalf, you are to give the necessary directions. P.S. You are to be satisfied that the two slaves are the same who were sold by him in Carolina. *Signed,* Holles Newcastle. [C.O. 324, 35. pp. 71, 72.]

May 14. **177.** Mr. Burchett to Mr. Popple. In reply to 7th instant, Admty. Office. encloses following. *Concludes* :—Captain Cooper hath Instructions, (as all others have who are station'd at the Plantations), to advise and consult with the Governour and Council, in all matters relating to his proceeding with the ship under his command. *Signed,* J. Burchett. *Endorsed,* Recd. 16th May, Read 11th Augt., 1724. $\frac{3}{4}$ p. *Enclosed,*

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177. i. Extract of letter from Capt. Cooper to Mr. Burchett. Carlisle Bay, 4th March, 1723 (4). As often as occasion has required I have signified my Instructions to His Excellency, wherein I am commanded to consult and advise with the Governor and Councill for the service of the Colony, but he refuses to admit me upon any consideration to consult and advise with him *etc.* $1\frac{3}{4}$ pp. [C.O. 28, 18. ff. 102, 103, 103v., 105v.]

- [May 15.] 178. Arthur Savage to Mr. Delafaye. *Prays that* his commission of Secretary for the garrison of Annapolis Royal may be signed by H.M. His present commission is only signed by Governor Philipps, who for that reason receives the full pay, *etc.* *Prays that* this petition may be preferred to his former one. *Signed*, Arthur Savage. $2\frac{1}{4}$ pp. *Endorsed*, R. 15 May, 1724. $2\frac{1}{8}$ pp. [C.O. 217, 38. No. 6.]

- May 15. 179. Council of Trade and Plantations to Governor Hart.
Whitehall. *Acknowledge* letters of 8th June and 3rd and 11th Dec. *Continue:* We take this opportunity of congratulating you upon your recovery *etc.* We are glad to hear that Captain Brand and Capt. Orm have done their duty so well in pursuit of the pirates, and hope they will not only continue so to do, but that the other Commanders of H.M. ships of war in the West Indies will follow their example. *Enclose* General Hamilton's Commissions for trying and pardoning pirates *etc.*, tho we take it for granted you had sufficient authority to proceed to the tryal of those pirates taken by Capt. Orm, upon the record of those Comms. enter'd in the Secry's. Office. We have read the Minutes of Council and Assembly of Antigua in April and May, 1723; as also what you write *etc.* in relation to the Conference upon the bill proposed for making an additional settlement upon you *etc.* We cannot but approve your conduct therein, and are very glad to find that after their dissolution, the new Assembly were more dispos'd to do their duty. We have receiv'd the Minutes of Council in Assembly of Nevis from 8th March to 27th Sept. 172 $\frac{1}{2}$, as also the Minutes of Assembly of Antigua from 23rd April, 1722 to 28th June, 1723, and have read your reasons for not being able as yet to procure the Minutes of Council and Assembly of the other Islands, but as this is a matter of private dispute between the principals and their deputies, we don't think it proper to lay it before the King in the manner you desire; But at the same time we must inform you, that we don't think it a sufficient excuse, for not sending copies of the said Minutes, according to H.M. Instructions, which we expect you should see punctually obey'd. We have consider'd what you write in relation to the behaviour of the Assembly of Nevis, and are sorry to find them so ill disposed. However, we think you have done very well to support the

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dignity of your post, and the King's Prerogative in your transactions with them, and hope in time they may be brought to a better temper. As to your proposal of uniting the Council and Assembly of St. Xtophers and Nevis, it will require further consideration, being so material an alteration in the Constitution of those Islands. We have receiv'd the two Acts pass'd at Antigua, one, *for laying a duty of one hd. of pistol powder on the tonnage of shipping*, and the other, *to prevent excessive and deceitful gaming*, and shall in a short time consider the same. We have sent the Address of the Council and Assembly of St. Xtophers *etc.* to be laid before H.M. We have also recommended to H.M. Major Soulegre to supply the place of Mr. George Milward in the Council of St. Xtophers, and H.M. has been graciously pleas'd to approve thereof. Upon considering the draught of a bill, you transmitted to us, pass'd the Assembly of Antigua, to make a provision for your better support *etc.*, we have represented your case to H.M., and so soon as we shall receive H.M. directions, you shall hear further from us on this head, which we hope will prove to your satisfaction. [C.O. 153, 14. pp. 147-151.]

May 15.
Whitehall.

180. Council of Trade and Plantations to Lt. Governor Hope. *Acknowledge* letters of 27th April, 4th and 30th July, and 11th Nov., 1723, and 14th Jan. last. *Continue*: We are sorry to find that there have been such neglects in the acct. of powder, but we hope that by your prudent management and care, the accots. will be better kept for the future. We have recommended Capt. Rayner for the Council *etc.* and H.M. has been graciously pleased to appoint him *etc.* We have now under our consideration the four Acts which you sent us 11th Nov. last, and we shall in a short time report our opinion thereon to H.M., but upon this occasion we must inform you, that no Act whatsoever which lays any duty upon the importation of European goods will meet with approbation at home. As to the Act for lessening the number of the Assembly, you have already receiv'd our sentiments therein (*v.* 2nd April); but if the passing an Act of this nature, not lyable to the objections we have made to this, would effectually contribute to the quieting of religious differences amongst H.M. subjects under your Government, or produce any other good effect for the benefit of the island, sufficient to justifye such an alteration in the Constitution, it might probably admit of a different consideration. With respect to the Order of Council for repealing the Act for laying a duty of 5 p.c. on dry goods *etc.* we must observe that you are to obey the directions given you by orders of Council, in whatsoever manner sent you, and we hope that for the future you will make no difficulty of putting the same in execution without delay. We have received your answers to our queries *etc.* (14th Jan.), and return you thanks for having been so

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particular in them. But as it is very probable that alterations may happen in the present state of the Colony, so we must desire you from time to time to give us notice of them. We are sorry to find by your letter that the inhabitants of your Islands deal so much with the pirates. But we hope, you will use your utmost care to discourage their trading with them, and to destroy those people who act contrary to the Law of Nations and to the good of mankind. We observe what you write in relation to the Revenue, but think, it ought not to be misapplied in carrying on law-suits for the benefit of private persons, and therefore recommend to your care the applying publick mony to publick uses only. So we bid you heartily farewell *etc.* [C.O. 38, 8. pp. 18-22.]

May 16.
St.
Christophers.

181. Governor Hart to the Council of Trade and Plantations. *Refers to* letter of 25th March. *Continues:* Since which I have nothing of consequence to communicate to you besides the inclosed Act from the Island of Antegoa, intituled an Act *for raising a tax for paying publick debts and charges and particularly applying the said tax.* This Act being past in the usual form that the tax Acts have been for many years, which I presume your Lordships are well acquainted with, and so need not give you the trouble of an explanation upon it. Tho' this Act lays so small a duty as five shillings per head on slaves (in proportion to what has been usually laid in that Island) yet it will go a great way to discharge the publick debts, which they have long labour'd under. - I hope your Lordships have taken into your consideration what I had the honour to write to you on the 11th of Dec. and 11th of March past, on the scruples of the Council at Antegoa to pass a bill prepared by the Assembly for my better support, *etc.* I take the liberty to represent to your Lordships that I have no house nor any provision for my support in that Island, and yet the ordinary expences of my family there amounted from £1500 to £2000 a year, so that if, by your Lordships' favour, I do not soon obtain an Instruction from H.M. to receive an additional sallary from that Island, I shall be very much distress'd in my circumstances; for I have in no degree abated of that port and figure with which I have hitherto maintain'd the Commission H.M. has honour'd me with. The *Hector* man of war being lately arrived here, I intend in a few days to proceed on my voyage for the Leeward Islands of this Government, which I am inform'd will take me up a month's time. I shall give your Lordships an account at my return *etc.* Signed, Jo. Hart. Endorsed, Recd. 11th July, Read 19th Augt., 1724. 2 pp. [C.O. 152, 14. ff. 294, 294v., 295v.]

May 18. **182.** Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. *In reply to* 4th Feb. 1724 and Oct. 4, 1723, *report*, from evidence drawn from books in the B. of T.

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Office, upon the laws that will expire or remain in force in Jamaica after 1st Oct., 1724, and upon what foot the Government will continue, particularly in relation to its dependance upon the authority of the Crown. (*cf.* Order in Council, 6th Aug. 1723.) (i) As the laws "appear to have been made in different manners and under different powers at several periods," *survey* the conditions and legislation 1660-1703, and are of opinion, "that all the Acts of Assembly specified and confirmed in the two Orders of Council of 1st Oct., 1682 and 17th April, 1684, will determine with the Revenue Act on 1st Oct. Amongst these is the only law now in being for appointing and establishing their Assembly; an Act for settling the Militia; an Act for establishing Courts *etc.*; an Act for ascertaining the quit-rents *etc.* and others of great consequence to the Government and welfare of the Colony. It has not appeared to us that any Acts made antecedent to those of 1682 do now continue in force or can revive upon their determination. The printed collection of the laws begins with those of 1682, and takes no notice of anything more ancient *etc.* All the Governours before that time (except Col. Doyley, appointed in 1660) were restrained to make laws to continue no longer than two years. But it seems to us very doubtfull upon his Commission and Instructions, whether it was the intention of the Crown to give him a general power of making perpetuall laws, or only ordinances, and regulations for the present administration of the Government, the rather because the word *laws* is nowhere mentioned in the authorities given to him, and there is no reservation to the Crown to approve or disallow the Constitutions he should make, which could hardly have been omitted, if it had been intended that he should make perpetuall laws. Besides this it is to be observed that his Acts were made by the Governour and Councill without any Assembly of the people, and tho' that Councill was directed *to be indifferently elected by as many of the Officers of the Army, Planters and Inhabitants as by the Governours best and most equall contrivance might be admitted thereunto*, and in that respect might be a kind of representation of the people, yet how that power was executed does not appear, and in fact the very first Assembly which was held in 1663 made, an Act declaring all the Acts made by the Governour and Councill (except such as were particularly confirmed by them) null and void, and added a clause to indemnify persons for having acted under them. And tho' by the very next Assembly the Acts of that first Assembly were declared void, yet one of the reasons given is that as many of them as were needfull had been re-enacted by that second Assembly, some of which Acts so re-enacted are to the same effect with several of Doyley's ordinances. As there are these doubts concerning those acts or ordinances in their originall, and no complete submission ever yielded to them by the people, so it doth not appear to us that any of

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them have been acted under or put in practice since 1663, but the entries in the books in your Lordships' Office do in our apprehension import the contrary. And for these reasons we are of opinion that they cannot now be considered as subsisting laws or be put in execution. As to such Acts of Assembly as have been made since 1682 perpetuall in their nature and confirmed generally by the Crown which are specified in the Schedule A, we apprehend they will continue in full force after the expiration of the Revenue Act; and so will alsoe those other Acts not yet approved or disallowed mentioned in Schedule D, untill H.M. shall be pleased to declare his disallowance of them and then they will cease. These are the only Acts of Assembly of the Island which so far as we have been able to be informed will remain in force after 1st Oct., 1724. Such Acts of Parliament as have been made in England to bind the Plantations in generall or Jamaica in particular and also such parts of the Common or Statute Law of England as have by long usage and generall acquiescence been received and acted under there, tho' without any particular law of the country for that purpose, will (as we humbly concieve) continue of the same force after 1st Oct. as before. But we apprehend there may be great difficulties in putting such laws as will continue in force in execution after that time, because tho' the Courts of Judicature which have been erected by the Governour and Council from time to time by authority from the Crown will remain in the state they now are, yet particular regulations, and kinds of process and forms of proceedings having been instituted by Acts of Assembly which will expire, it will be difficult for the judges to know by what rules to proceed.

(ii) We apprehend that the expiration of the Laws before-mentioned will not in generall weaken or take from the dependance of this Island upon the Crown of Great Britain. The powers given by H.M.'s Commission and Instructions to his Governour or to the Governour and Council will remain as they are now unless any particular parts of them relate to the putting in execution Acts of Assembly which will then expire. H.M. may also under his Great Seal give such further powers to his Governour to be exercised by him alone or with the advice of a Council (the power of appointing which will remain in H.M.) as shall be found necessary for putting in execution the laws which remain in force, and alsoe for appointing Judges and Officers and administering Justice in his Courts; for ordering the Militia and doing all other Acts, which belong to H.M. to do by his Prerogative. And in legall proceedings an appeal will lye to H.M. in Council in the same manner as it does now. The chief difficulties with regard to Government will arise under the head of the Revenue of the Crown and the power of making new laws. As to the Revenue it does not appear to us that any will subsist after the determination of the present Revenue

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Act, besides the rents reserved upon the grants of lands, licences for selling strong liquors, and the casuall revenue of fines forfeitures and escheats, in the recovery whereof there may alsoe be some difficulties by reason of the expiration of the Laws directing the methods of proceedings now in use. As to the power of raising any new Revenue for the support of the Government by laying new taxes or impositions upon the people, that will depend upon the question whether Jamaica is now to be considered merely as a Colony of English subjects, or as a conquered country; If as a Colony of English subjects, we apprehend they cannot be taxed but by the Parliament of Great Britain, or by and with the consent of some Representative body of the people of the Island properly assembled by the authority of the Crown; But if it can now be considered as a conquered country, in that case we conceive they may be taxed by the authority of the Crown. As to the fact upon which this question (which is of great weight and importance) doth arise we apprehend sufficient materials have not been laid before us to enable us to judge thereof, for which reason we have offered our opinion to your Lordships upon a supposition that it may possibly come out either way. But if it should appear that this Island can now only be considered as a Colony of English subjects, yet we are clearly of opinion that since the present Act of Assembly of 1682 appointing the number of the Members of the Assembly and the places from whence they are to come, will expire with the Revenue Act on 1st Oct., it will after that time be in the power of H.M. by his Commission and Instructions to his Governour to appoint Assemblies to be summoned in such manner as H.M. shall think fit, both as to the number of the whole, the number of Representatives to be elected for particular places and parts of the Island, and the qualifications both of the Electors and the elected, provided such order and method be observed therein as that they may reasonably be understood to be a Representation of the People. This power was exercised by H.M. predecessors before that Act of 1682 passed, and consequently will remain entire to the Crown after it shall expire; and such Assemblies so summoned will have the same authorities to make laws and raise money as the present or any other Assembly have been possessed of. *Signed, P. Yorke, C. Wearg. Endorsed, Recd. 1st June, Read 14th July, 1724. 23 pp. Enclosed,*

182. i. Copy of Order in Council 6th Aug. 1723. v. C.S.P.

182. ii. Copy of Order in Council 17th April, 1684. v. C.S.P. 1683. 1681-5, Nos. 1239, 1639.

182. iii. Copy of Order in Council 23rd Feb. 1682. v. C.S.P. 1682. No. 968.

182. iv. List of Acts (15) not depending on the Revenue Act. 1 p.

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182. v. List of Acts perpetual, confirmed and not confirmed.
2 pp. [C.O. 137, 14. ff. 331-342, 343. 345-346.
347-349, 351, 352v., 353, 354v.]

May 19.
Whitehall.

183. Council of Trade and Plantations to the Lord President. Upon reading a letter lately received from Colo. Hope, Governor of Bermuda, we find that Colony was very little informed what Acts of their Assemblys were in force, till we sent them a collection of their Laws lately revis'd and printed by our direction, and that they have long been govern'd by laws which had been repeal'd many years by the Crown. This inconvenience is common to the other Colonies, and arises from the negligence of their Agents, who seldom give themselves the trouble of taking out any Order in Council, either for the repeal or confirmation of Acts, wherein private persons are not concern'd, for which reason we desire your Lordp. would give directions that all Orders in Council for the confirmation or repeal of Acts of Assembly in any of H.M. Colonies in America may be sent to us so soon as they shall be pass'd by H.M. in Council, that we may transmit the same without loss of time to the respective Governments which they concern. [C.O. 324, 11. pp. 15, 16.]

May 19.
Whitehall.

184. Same to Lt. Governor Drysdale. *Acknowledge* letters of 16th May, 29th June and 1st Nov. 1723, and 14th Feb. last. *Continue*: We are glad to see the good harmony there is between you the Council and Assembly, which we don't doubt but by your prudent conduct will be continued. Mr. Leheup, whom you recommended to us as Agent for ye Colony of Virginia, has at several times attended us, and we shall be always ready to give him all due countenance for the service of the Colony. *Acknowledge* public papers and remarks upon the Acts transmitted 29th June, "which we desire you would continue for the future." The Act *for laying a duty on liquors and slaves* is repealed etc. The other Acts are now under our consideration etc. *Continue*:—We have considered the necessity of settling the boundaries etc. of Carolina, and will shortly recommend the same to H.M. We think you have done very well in settling the sittings of the Courts of Oyer and Terminer agreeable to your Instructions. *Announce* appointment of Mr. Carter (v. Jan. 22 and April 1st). *Continue*:—We hope, the resolution you are come to, in relation to the abuses that were committed in holding lands under pretence of entrys and surveys, without suing out patents for the same, will be a means to prevent the like abuses for the future, and secure H.M. from the frauds heretofore committed in the payment of his quit-rents. Tho' you have altered ye time of sale of the tobacco paid in on account of H.M. quit

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rents, yet we hope in every other respect you have strictly adhered to your Instructions in this matter, more particularly in disposing of the same by publick outcry, and upon due notice. [*C.O.* 5, 1356. *pp.* 274-277.]

May 20.
New York.

185. Governor Burnet to [?Lord Carteret]. *Refers to enclosures etc. Concludes* :—I have nothing new to acquaint your Lordship with, relating to the Indians, it being too early in the year for to hear of them: I am hopefull that the Governour of Canada may receive orders from France, to observe the treatys, upon the complaints made from hence and New England, which no doubt have been represented to that Court, and since the tranquillity of Europe is settled so happily, to the glory of His Majesty, I hope the Continent of America will feel an end of the disturbances which the Indians give the English, altogether at the instigation of the French. *Signed*, W. Burnet. *Endorsed*, Rd. July 6th. 2 *pp.* *Enclosed*,

185. i. Duplicate of Burnet's letter to C. of T. 12th May.

185. ii. Speech of Governor Burnet to the Assembly of New York, 15th May, 1724. *Printed.* 2 *pp.*

185. iii. A scheme for issuing and sinking bills of credit for £40,000 made current by the Act of New Jersey, 1723. 2 *pp.* [*C.O.* 5, 1092. *Nos.* 29, 29. i-iii.]

May 20.
New York.

186. Governor Burnet to the Council of Trade and Plantations. At the desire of the petitioners and according to the advice of H.M. Council, *encloses following* for their Lordships' directions therein. *Signed*, W. Burnet. *Endorsed*, Recd. (from Mr. Bampfleid) 10th Dec., 1724, Read 16th April, 1725. 1 *p.* *Enclosed*,

186. i. Minutes of Council of New York, 3rd March-Sept. 1720. Proceedings upon petition of the Presbyterian Congregation of New York for a Charter of Incorporation. 12 *pp.* [*C.O.* 5, 1053. *ff.* 265-270v., 272v.]

May 20.
Treasury
Chambers.

187. Mr. Scrope to Mr. Popple. *Encloses following.* My Lords of the Treasury desire the report of the Lords Commrs. for Trade *etc.* *Signed*, J. Scrope. *Endorsed*, Recd. Read 30th June, 1724. *Addressed.* 1 *p.* *Enclosed*,

187. i. Governor Philipps to [? the Lords Commissioners of the Treasury]. *Refers to the Council of Trade and Plantations for information as to his proceedings etc.* *Signed*, R. Philipps. 1 *p.*

187. ii. Petition of Governor Philipps to the King. To carry out his Instructions to take a survey of the coasts and harbours of Nova Scotia, Placentia *etc.*, petitioner made application for a vessel to attend that service. Upon the representation of the Council of

1724.

Trade, Capt. Durell, who was then going on the Boston station, was sent for from Portsmouth, to know if he cou'd undertake that service, which he objected to as a thing impracticable with your Majesty's ship under his command and advised that a small vessel might be built at Boston. This the Governor was instructed to do, and gave a letter of credit to Capt. Durell, who contracted for it at Boston. This vessel, the *William Augustus*, has been of great use in the surveys and preventing clandestine trade with the French and protecting the fishery. *Prays* for payment of money disbursed for her account and for her future upkeep *etc.* *Subscribed*, Referred to the Lords Commissioners of the Treasury for their report. St. James's. 24th May, 1723. *Signed*, Carteret. 2 pp. [C.O. 217, 4. ff. 249, 250, 251, 251v., 254v.]

[May 21.] **188.** [? *Mr. Prevèreau*] to the Council of Trade and Plantations. Reasons offered for laying a duty of 2 and 4 p.c. upon all goods sold in Bermuda for four years. The Governor, Council and Assembly are better judges of what is absolutely necessary for the support and defence of that Government, than the merchants trading thither *etc.* There can be no other fund settled for the support of that Government, the land being so poor that it will not bear a tax. The difference of the tax between inhabitants and strangers is very reasonable *etc.*, as 28th March. The importers will pay no duty at all, but the whole tax will be paid by the inhabitants, being upon the sale and disposal of goods *etc.* *Without signature.* *Endorsed*, Recl. (from Mr. Prevèreau). Read 21st May, 1724. 1 p. [C.O. 37, 11. ff. 97, 98v.]

[May 21.] **189.** Account of Revenue of Bermuda. *Endorsed*, Recl. (from Mr. Sharp), Read 21st May, 1724. $3\frac{1}{2}$ pp. [C.O. 37, 11. ff. 100-102v.]

May 22. **190.** Governor Nicholson to the Council of Trade and Plantations. *Encloses* duplicates of 5th May. *Refers to* enclosures. *Continues*: The Committee of Correspondence writes the Honble. Francis Yonge papers concerning Indian affairs *etc.* in order to wait on your Lordships with them *etc.* *Signed*, Fr. Nicholson. *Endorsed*, Recl. 8th July, Read 29th Oct., 1724. 1 p. *Enclosed*,

Charles
Town,
South
Carolina.

190. i. Proclamation proroguing the Assembly to 2nd June, 1724. Advices not having arrived from England and the affair of planting not being finished *etc.* 14th May, 1724. *Signed and endorsed as preceding.* $\frac{3}{4}$ p. [C.O. 5, 359. ff. 198, 199v., 200, 200v.; and (abstract of covering letter) 5, 406. p. 15.]

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May 22.

191. Mr. Livingstone to Mr. Walpole. *Acknowledges* letter of Sept. 26th. *Continues*:—I thought it a duty incumbent upon me to use all endeavours to persuade our people to do you that justice in allowing your fees, as well in regard of your great merit, and the great service you are capable to do this province upon occasion, as to take off that stain which would undoubtedly fall upon them in not complying with H.M. commands; and if Mr. de Peyster had or would have followed my advice some years ago, they had not plunged themselves into their needless troubles and charges which they put themselves to, keeping their Assemblies three or four weeks, till they had framed an Act, to skreen them from rendering that account, which I knew of necessity they must do at last, and that the Govr. could never passe, but that matter is over, and tho' some of our Members think it a hardship to allow 5 p.c. upon the audit of this last act we made to make good the deficiencies for the support of Government to discharge the warrants signed for the payment of your fees and arrears as Auditor General, I tell them it will be in vain to struggle against it, or to study any means to prevent; for the Auditor General will allways be intituled to his fees of all publick moneys raised for support of Government, and if they do this out of a principle of good husbandry for the Province, why do they not lett the publick moneys be received by the Collector and Receiver General appointed by H.M., who offers as good security as young Mr. De Peyster the present Treasurer has given, who had 5 p.c. *etc.* *No signature.* 1 p. [C.O. 5, 1085. No. 45.]

May 27.

Whitehall.

192. Duke of Newcastle to the Council of Trade and Plantations. Encloses following for their report. *Signed*, Holles Newcastle. *Endorsed*, Recd. 31st May, 1724. Read 2nd June, 1725. $\frac{3}{4}$ p. *Enclosed*,

192. i. Petition of the Dowager Countess of Denbigh and others to the Duke of Newcastle. *Ask for* a grant of the plantation, Pensez-y-bien in the former French part of St. Kitts, which Walter Douglas, the former Governor of the Leeward Islands, holds by a grant of H.M., but pretends he made a grant of it to his infant son, thereby fraudulently preventing petitioners from obtaining possession thereof on account of a debt *etc.* *Copy.* 3 pp. [C.O. 152, 15. ff. 11, 12–13, 14v.]

May 30.

London.

193. Stephen Godin to the Council of Trade and Plantations. *Reply to* their Lordships' desire signified 14th inst. *Premises that* "it were better to have no Colonies unless they be subservient to their Mother Country. If this maxim was the touchstone, on wch. the argements, dark and sinister acts, and pretentions of the Colonies, were tried by, it would be very

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easy for a Ministry to judge wch. of them should be countenanced, and those wch. shou'd be rejected. To this I will join that the life and very essence of trade is security, protection, steady, and unbyast Government. The Nation that will be governed by those unquestionable rules cannot fail to prosper, and no other reason need be assigned to our languishing, decay'd and precarious trade. Men of estate, integrity and experience, leave off trading, and sell their ships to the French, and other foraigners, to content themselves with a small intrest of 3 or 4 pr. cent. at home, because there is no security, nor effectual protection for British traders in our Colonies, nor will ever be as long as they are left to themselves to make laws, by wch. they can in a legal way pay of their creditors of Great Britain, some at ten, some at five, and others at two or three shillings in the pound, and the contagion spreads still so fast, that those who were kept within bounds hitherto seems to claim a right of cheating also, by the introduction of paper money, after ye laudable example of Carolina and New England" *etc.* *Continues*: The paper money wch. hath ruined France, and ye British merchants trading there *etc.*, hath spared there colonies and ye merchants' effects there because no paper currency is admitted there and all payments are made in product or specie wch. is no small encouragement to the Adventurers out of Old France. They and the Dutch have a great advantage over us in England, in that they make a double freight to and from their Colonies, whereas our shipping must for ye most part go out empty *etc.* To this cause may be atributed ye increase of the French and Dutch Navigation to their Colonies, and the great imports they have made of sugars, not only for the consumption of France, but also for forain markets, where they have undersold us, insomuch that with our home discouragements wee have not been able to stand wth. them. Many remedies might be found to revive the fitting out of our ships for the West Indies, to promote the sugar and tobacco trade, when the causes of our great sufferings are removed, when the liberty and property of the industrious British traders is effectually secured, and protected abroad: and in our Colonies by proper regulations against the invaders of the British laws, and rights of the subjects *etc.* *Proposes that* the bounty on the exportation of corn be extended to biscuit and flour and other eatables to the Plantations, in order to help manufacturers and navigation. *Continues*:—To help that also it will be consistant wth. our judicious maxim (the wch. with submission ought to be writ in golden letters on ye frontispiece of yor. Honble. Board) to order H.M. Governours of Pensilvania, and New York, yt. towards a further encouragement to ye planters of those Colonies to turn their hands to the raising of hemp, they wou'd propose an Act to be past in their Assemblies, to allow a bounty of 40s. pr. ton payable to those who should

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export hemp for Great Britain, and this bounty be raised by a duty of a shilling pr. hundred of flower, and biskett, wch. is exported from those Colonies. Such a wholesome law, wou'd tend to put us upon ye level wth. our Colonies on ye Continent to carry bread kind to ye West Indies, and so by filling our ships outward bound, to raise freight capable to fitt them out, and enable us to import sugars and tobacco cheaper then our neighbours *etc.* A further step, is to free sugar from the dutys it pays at ye shipping in some of our Colonies, wch. is a greater burthen upon yt. trade then it proves of advantage to H.M., Governours generally sinking yt. Revenue into pretended contingent charges, whereas if they be really necessary fr. ye service of ye Plantations, its fitting there Assemblies should provide for them by taxes upon their lands, and slaves, instead of discouraging ye exportation of ye product by an additional cost, wch. instances the hazard of the Adventurer *etc.* To this if ye Legislature shou'd think fitt to grant ye full drawback of duty's paid or secured for sugars, tobacco and rice, it would be of great encouragement to those productions, and a step much fitter to be taken for England, then to grant them ye taking off of ye enumeration, wch. wou'd be of more pernicious consequences then may be easily thought of *etc.* *Signed*, Steph. Godin. 3 pp. *Endorsed*, Reed. Read 9th June, 1724. 3 pp. [C.O. 388, 24. No. 140].

May 30.
Boston in
N. England.

194. Mr. Willard to Mr. Popple. I have sent to H.E. Governor Shute Minutes of Council, Sept.-Feb. last, and Minutes of Assembly of the Session Oct. 1723, with the Acts passed at that Session, which papers I have prayed him to lay before their Lordships *etc.* *Signed*, Josiah Willard. *Endorsed*, Reed. 6th, Read 23rd July, 1724. 1 p. [C.O. 5, 869. ff. 29, 30v.]

May 31.
London.

195. Merchants trading to Jamaica to the Council of Trade and Plantations. *Reply to Queries of 12th May.* (1) Increased produce of sugar is due in some measure to planters being discouraged from making indigo by reason of the great quantities thereof made by the French in Hispaniola. Negroes taken from making that commodity are employed in making sugar. The diminution in the exports from Great Britain we attribute to the improvements the French have made in their colonys, and their ability thereby to supply foreign markets at lower prices than H.M. subjects, as they are not under so many duties, incumbrances on shipping *etc.* as we are. The increase of home consumption is because it is cheaper than heretofore *etc.* *Replies as to foreign duties etc.* (viii) *Propose* that drawbacks on debentures and fees be allowed on re-exportation, and that the great number of Holydays and other incumbrances on shipping be reduced, to enable British to compete in foreign markets. The exceedingly high duty on rum imported should be reduced.

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The African coast should be guarded against pirates, so that the supply of negroes may not be interrupted, and H.M. ships at Jamaica should be instructed to guard the headlands and cruise off the island and the S. coast of Hispaniola and not lie in port. The greatest mischiefs which hath of late years attended our Colonys have been caused by the Spanish guard de coast vessels and pirates, not only by the havock and destruction of the ships employed in the negro trade on which the being of our Colonys chiefly depends, but also by the great interruption given to our navigation in bringing home the Plantation products *etc.* In respect to the Spanish guard de coast vessels the Spaniards in America have been for divers years past at warr with us, while we continue in a state of peace with them, by reason whereof most of our sugar ships from Jamaica are obliged to stay to come in fleets as in war time, and consequently arrive so late after the crop that most of the foreign sugar markets are usually first suplyed by the French or other our rivals *etc.*, and by damage occasioned hereby freight comes dearer *etc.* There having been lately French sugars introduced into Jamaica and thence into Great Britain, the importation thereof is not only contrary to the intent of our Act of Navigation, but also tends to the great encouragement of the French Colonys, and to the prejudice of our own *etc.* The planters of Jamaica are at an annual expence of £5000 and sometimes double to fitt out ships of warr to protect the said island against the guard de coast vessels, who before had frequently landed, and plunder'd the inhabitants, and carried of great numbers of negroes, while the station ships of war appointed for the protection of that Colony employ themselves as they please, being subject to no jurisdiction abroad, nor can they receive any directions from their superiors at home by reason of the remote distance. *Signed*, Rd. Harris and 12 others. *Endorsed*, Recd. 10th, Read 24th June, 1724. 6 pp. [C.O. 388, 24. No. 145.]

June 1. **196.** Address of the Minister, Church Wardens and Vestry of the Church of England in Newport on Rhode-Island in America to the King. The religious and loyal principles of passive obedience and non-resistance with particular application of them to your Majesties sacred person and illustrious House, are upon all suitable occasions strongly asserted and inculcated upon your Majesties good subjects of this Church who to a man are with zeal and affection inviolably attached to your Majesties person and Government *etc.* *Pray* H.M. gracious countenance and protection. *Signed*, James Honyman, Henry Bull, Godfrey Mallbone, Churchwardens; J. Brown, Jno. Brown, Jno. Chace, Richard Munday, R. Gardner, Edward Neargrease, William Gibbs, Geo. Dunbar, John Freebody, Wm. Dyce (?). At a vestry held in Trinity Church *etc.* 1 large p. [C.O. 5, 10. No. 239].

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June 2. **197.** Order of King in Council. Confirming Act of S.
St. James's. Carolina *for vesting the fee simple of the Governor's house in Robert Johnson.* Signed, Temple Stanyan. Endorsed, Recd. 9th June, Read 22nd July, 1724. 1 p. [C.O. 5, 359. ff. 31, 31v., 32v.]

June 2. **198.** Order of King in Council. Remitting additional tax
St. James's. assessed on the towns of Dartmouth and Tiverton, Mass., and ordering release of Quakers imprisoned on that account. *Set out, A.P.C. III. No. 51. Signed, Temple Stanyan. Endorsed, Recd. 9th June, Read 22nd July, 1724. 2½rd pp. [C.O. 5, 869. ff. 19-20v.]*

June 2. **199.** Order of King in Council. Referring representation
St. James's. upon Governor Hart's Instruction as to his salary to a Committee of the Council. Signed, Temple Stanyan. Endorsed, Recd. 9th June, Read 22nd July, 1724. 1 p. [C.O. 152, 14. ff. 260, 261v.]

June 4. **200.** Council of Trade and Plantations to the King. In
Whitehall. obedience to Order of 30th April, enclose following. *Annexed, 200. i. Draft of Additional Instruction to H.M. Governors in America. Whereas Instructions have been given to the several Governors of our Islands and Colonies in America, not to pass any bill or bills in the respective Assemblies there, of unusual and extraordinary nature and importance, wherein Our Prerogative or the property of Our subjects might be prejudic'd, or the trade or shipping of this Kingdom any ways affected until the draught of such bill or bills had been transmitted unto Us, and Our approbation receiv'd thereupon, unless there was a clause inserted therein, suspending the execution thereof until our Royal pleasure should be known; notwithstanding which several Acts have been pass'd in the Plantations for laying duties on the importation of European goods there, without any such approbation or suspending clauses; it is therefore Our will and pleasure, that for the future you do not pass or give your consent on any pretence whatsoever, to any act or acts laying a duty on European goods imported in English vessels, upon the importation thereof into Our Colony under your Government, on pain of Our highest displeasure. (v. 31st Aug.) [C.O. 324, 11. pp. 17, 18.]*

June 4. **201.** Council of Trade and Plantations to the King. Repre-
Whitehall. sentation upon Act of Barbados *to raise a levy etc.* We have had the opinion of Mr. West, one of your Majesty's Council at Law, thereupon. We have been attended upon this occasion by several merchants trading to Barbados, and likewise by

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some of the most considerable Proprietors of lands in that Island, who desired this Act might be repealed. The Agents of the Island were likewise heard in support of this Act: But having duly weighed what was urged on both sides, and well considered the great inconveniences and confusion that has lately happen'd to some other of your Majesty's Colonies in America, from erecting a compulsive paper credit by law; we are of opinion, that this Act would prove detrimental to the trade of G. Britain, and prejudicial to the Island of Barbados; for which reasons, we humbly propose that your Majesty should be pleased to signify your disallowance of the same. [C.O. 29, 14. pp. 399, 400.]

June 4. **202.** Council of Trade and Plantations to the King. *Re-*
Whitehall. *commend repeal of Act of Bermuda to supply the deficiency of*
several funds, etc., "having had the opinion of Mr. West there-
upon and been attended by the Agent of the said Islands, and
the several merchants trading thereto, etc., and finding there is
a duty layd on the importation of European goods by this Act,
and no clause inserted to suspend its taking place till your
Majesty's pleasure should be known " etc. [C.O. 38, 8. pp.
23, 24.]

June 5. **203.** Lt. Governor Wentworth to Charles Burniston, Sur-
Portsmo. in veyor General. (v. 4th Aug.) *Acknowledges* letter of 2nd
N. England. March. *Hopes to see* Mr. Armstrong return etc. *Signed*, Jno.
Wentworth. *Endorsed*, Communicated by Mrs. Burniston.
Recd. Read 30th July, 1724. *Addressed. Postmark.* 1 p.
[C.O. 5, 869. ff. 49, 50v., 51v.]

June 5. **204.** Council of Trade and Plantations to the Duke of
Whitehall. Newcastle. *Enclose* following extract, relating to the building
in the Massachusetts Government of a ship for foreign service,
of uncommon size and strength for that country, "that in case
any inconveniences should be apprehended from this novelty,
timely directions may be given for preventing them." *Auto-*
graph signatures. 1 p. *Enclosed*,

204. i. Extract from Lt. Govr. Wentworth, 6th April, referred
to in preceding. $\frac{3}{4}$ p. [C.O. 5, 931. Nos. 13, 13. i; and
(without enclosure) 5, 915. p. 403.]

June 5. **205.** Duke of Newcastle to the Council of Trade and Plan-
Whitehall. tations. *Encloses* following proposals, transmitted by the
Ambassador at Paris, for their report, "whether it be legal and
proper, and how far it may consist with H.M. service and the
publick good." *Signed*, Holles Newcastle. *Endorsed*, Recd.,
Read 9th June, 1724. $\frac{1}{2}$ p. *Enclosed*,

205. i. Petition of Pierre Purry of Neuschâtel to the King.
Formerly Director General of the *Compagnie des*

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Indes in France, petitioner proposes to make a settlement of about 600 of his Swiss countrymen in Carolina, who would form a Swiss Regiment of soldier-workers, all of the Reformed Religion, with himself as Colonel and Judge *etc.* *Prays* for H.M. grant of lands 16 leagues square and free transportation *etc.* *French.* 3 pp. [C.O. 5, 359. ff. 17, 18-19, 20v.)

June 6.
Willmsburgh
in Virga.

206. Lt. Governor Drysdale to the Council of Trade and Plantations. *Refers* to letter of Feb. 14 q.v. *Has now had* the opportunity of a Councill *etc.* and was resolved to govern himself by the Lords Justices' order concerning the quit-rents of the two new erected counties *etc.* *Continues* :—But thro' my predecessor's management (who made haste to bee beforehand with any instructions that should come in hither of that nature) the lands in those counties especially Spotsylvania, are parcelled out and patented in a manner so inconsistent and directly opposite to their Excellencies' comands, that I am att a loss to reconcile them to the purport and design of their intentions : whereby I am put under a necessity of delaying the execution of their orders, and of addressing myself to your Ldspps. for the favour of your advice and directions in this intricate affair *etc.* The Lds. Justices on issuing their restrictions and limitations seem to beleive that all the lands in the two new counties were shut upp from all persons possession, untill such time as H.M. pleasure was known, upon what terms he should think fitt to grant the exemptions petitioned for by the Assembly : But a very great quantity of the most valuable lands in Spotsylvania was [*?entered*] with the Surveyors, even before the Act of Assembly erected itt into a county ; and the very night that act was passed, petitions were delivered to the Governour in Councell, praying leave to take upp large tracts of land in that county, which was readily agreed to *etc.* *Refers to encl. i.* The next subsequent stepp to this, was, the Governour much about the time he was superseded, proceeded to give and sign patents to each patentee, for these large tracts of land they had entered for, but neglected calling upon those patentees, to produce rights for the importation of persons into the Colony, or to shew certificates from the officers of H.M. revenue, of such patentees having paid into their hands for H.M. use five shill. sterl. for ev'ry fifty acres : one of which all persons are oblidged by law to perform, before they enter for any land in Virginia. This defect was supply'd, by oblidging ye patentees to give bonds ; of wch. there are two sorts ; the first binds down the patentee to pay when demanded five shill. sterl. for evry fifty acres to H.M. which is much the same with a prompt paymt. these bonds were directed in Councell, and there arises onely two of this kind. The second sort the Attorney Genl. drew by Coll. Spotswood's single authority, which are indeed

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next to noe bonds at all, for the patentee is indulged with a liberty of either holding or resigning his patent according to his pleasure, and tho' the consideration in these patents as in all others, expressly mention for five shill. sterl. for ev'ry 50 acres paid to H.M. use, yett these patentees refuses to pay the King's rights, or to hold the land, but offer a surrender. *Refers to encl. ii, iii.* Hence it is that the King's lands are occupied for some years past, and no rights or qt. rents paid, or can bee demanded. Hence it is that these lands, which by the Lds. Justices' comands, are limited to bee granted in noe greater quantities, than 1000 acres to any one person, are parcelled and patented out in tracts of 10, 20 and 40,000 acres apeice to a few, and little left to dispose off, besides the most remote, barren, and unprofitable : Hence it is that the intention of the Crown, to make that county of Spotsylvania, a well inhabited fronteer, is frustrated. And from hence it is, that the Government here is perplexed how to construe, or to comply with the Ldds' Justices' comands *etc.* *Encloses list of patents so granted.* *Continues* :—Among these distributions, Coll. Spotswood had great regard to his private interest, for I find tracts of land, one of 20, another of 4,000 [*?acres*] entered for, and patented under borrow'd n[ames ?] for his use, and since convey'd to him : for which he has neither paid rights, nor given either sort of bond to pay if demanded or to surrender (*v. encl. iv*). *Continues* :—When the line was runn, to make Spotsylvania a county, some owners of land in the contiguous counties, artfully contrived to gett their estates which consisted of about 125000 acres of land, to bee included within the bounds of this new erected county, that they might bee exempted from paying qt. rents, tho' such land had been regularly tax'd from the first entry ; whereby H.M. suffered considerably in his anuall revenue : but my instructions are most clear as to that point, and I have made a demand for all such arrears, and will oblige the Proprietors of those lands to account for em : Coll. Spotswood possess'd 26,000 acres, in one or other of those counties, which are now all flung into Spotsylvania. Such being the circumstances of these two new erected counties, especially of Spotsylvania (Brunswick is so remote from any navigable river, that few or none have seated yett there) I humbly presume your Ldspps. will bee induced to beleive, there are many cases my present instructions cannot reach, which putts mee under a necessity (that I may bee the better enabled to act with justice to the King and subject) of tendring a few queries to your Ldspps. *etc.* (*v. encl. vii*). *Signed,* Hugh Drysdale. *Endorsed,* Recd. 4th, Read 13th, Aug., 1724. *Holograph. Torn.*

4 pp. *Enclosed,*

206. i. Extract from Minutes of Council of Virginia, 23rd Dec., 1720, showing that 91,000 acres were granted in 9 lots the same night as the Act for erecting Spot-

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- silvania county was passed. *Signed*, Wil. Robertson, Cls. Conc. *Endorsed as preceding.* $\frac{1}{2}$ p.
206. ii, iii. Copies of two forms of a bond entered into by patentees of lands, 1722. 2 pp.
206. iv. Copy of grant of 40,000 acres of land in Spotsylvania County to Messrs. Thomas Jones, John Clayton, and Richard Hickman, in trust for Col. Spotswood. 22nd June, 1722. *Endorsed as covering letter.* 1 p.
206. v. List of patents for lands in Spotsylvania County, issued in 1722 and 1723. *Total*, 208,733 acres. *Signed*, R. Hickman Cl. Secry's. Office. *Same endorsement.* $1\frac{1}{4}$ pp.
206. vi. List of lands in Spotsylvania County belonging to Col. Spotswood. 7 tracts totalling 86,650 acres. *Signed and endorsed as preceding.* $1\frac{1}{4}$ pp.
206. vii. Queries by Lt. Governor Drysdale to the Council of Trade and Plantations, for the explaining the Lords Justices Order of 6th Aug., 1723. *Same endorsement.* $2\frac{3}{4}$ pp. [C.O. 5, 1319. ff. 173-177, 178v., 179, 180, 181-182v., 183v-184v., 185v.-187v.]

June 11. **207.** Mr. Popple to Mr. Shelton. I am to desire you will
Whitehall. inform the Lords Proprietors of Carolina of the subject matter of the petition of John Peter Purry, *etc.* (v. 5th June), and let me know their sentiments thereupon. [C.O. 5, 400. pp. 185-187.]

June 13. **208.** Governor Worsley to the Duke of Newcastle. Finding
Barbados. by some publick prints that H.M. has been pleased to appoint your Grace one of H.M. Principal Secretarys of State, in the room of my Lord Carteret, I have now the honour of transmitting to your Grace an account of my proceedings *etc.*

Being informed that the late President Mr. Cox had appointed Thomas Beckles Esq. to be Judge of the Bridge Court without the advice and consent of the Council *etc.*, on 25th Feb. I proposed to the Council, for their advice and consent, the said Thomas Beckles and Joseph Pilgrim Esq., as proper persons for that employment, and the latter was approved of by a majority of the Council. He is a gentleman of a good estate here, of great probity, and learned in the law. And as Judge Beckles's Assistants were also appointed without the consent of the Council I proposed Robert Harper, Thomas Harrison, Phillip Davis and William Barwick Esqrs., to serve as Judge Pilgrim's Assistants, who were unanimously approved of by the Members of the Council *etc.* These Gentlemen give great satisfaction. The 17th of last March H.M. Attorney General informed me and the Council that an Act *for the better settling intestates' estates and for enabling fathers to dispose of the custody of their children during their minority* had formerly been sent home by

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one Capt. Young, who was lost, by which means the said Act never came regularly to England, therefore it was agreed in Council, that copys of the said Act should be sent home by the first opportunity. *Encloses copy etc.* There are also two other Acts that have past the Legislature here, the one, *for enlarging the time appointed for the election of vestrymen*, in that it was found, by experience, one day was not sufficient to take the votes of all the Freeholders. And other, *an additional Act to an Act establishing the Courts of Common Pleas etc.* The reason for passing this Act is, that no objection should be made to gentlemen qualified to serve as Judges in the precinct wherein they live, on account of any influence they might have on their Court in case of their being sued in their own precinct, as by the former law it is enacted every body should be. *Encloses Minutes of Council 25th Feb.—14th May ; of Court of Chancery, 22nd Jan.—15th April ; and of Assembly, 25th Jan.—14th April, and Addresses of the Grand Jury. Continues :* I send herewith the names of twelve Gentlemen, who I think best qualified to supply the vacancies that may happen in the Council. The 14th of last month James Elliot Esqr., one of the Members of H.M. Council here, died. And the 6th instant John Lucie Blackman Esqr. another Member of H.M. Council, embarked for Antegoa, whence he designs for Great Brittain, he having asked me a twelve month's leave in order to settle some private affairs *etc.* *Signed, Henry Worsley. Endorsed, Rd. 15th Augt. 8 pp. Enclosed,*

208. i. Address of the Grand Jury of Barbados to the King. 9-12th June, 1724. *Express loyalty and gratitude for prudent and impartial Governor etc. Signed, Willm. White, Richd. Dowell, Job. Hart, Henry Jones, Thom. Hayes, Nathaniel Gittens, Samson Wood, Grant Elcock, Elja. Goulding, Archd. Carmichaell, Tho. Wood, P. Henry Hayes, Danl. Wildey, John Denny, Jno. Howell, Jas. Bullen. 1½ pp.*

208. ii. Address of the Grand Jury to Governor Worsley. *Same date.* By your discouragement of factions, you have purchased the love and esteem of every man who has the publick interest at heart *etc.* *Approve of his enquiry into the fees in public offices etc. Signed as preceding. 2 pp.*

208. iii. Address of the Grand Jury to Joseph Pilgrim, C.J. Compliments on his promotion and impartial administration of Justice. Agree with his charge recommending friendship and unanimity *etc.* *Signed as preceding. 1¾ pp.*

208. iv. Duplicate of preceding.

208. v. Duplicate of No. ii.

208. vi. List of 14 cases tried at the Grand Sessions, 9th-12th June, 1724. 1 p. [C.O. 28, 44. Nos. 68, 68 i-v, 81.)

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June 13.

Barbados.

209. Governor Worsley to Council of Trade and Plantations. *Acknowledges* letter of 12th Dec., with letter from Mr. Crawford to Mr. De la faye *etc.* Whatever the French may say, 'tis very much for the advantage of Martinique that they should wink at the English's trading with them, especially from our Northern Collonys, whence, as I before advised your Lordships, they are supplied with all manner of lumber and horses, and they take their returns in mollasses and sugar; and without the Northern Collonys they never would have been able to settle that Island, for my part I think it so prejudicial and dangerous to this in particular that I continue to discourage it as much as in me lays, and I have been so successfull in it already, that of the many sloops that used that trade, when I first came to this Government, I don't hear of above four or five that now do venture upon it. *Continues as preceding letter from paragraph 2 to close. Concludes by returning thanks* "for having so early laid before their Excellencies the Act for the support of the honour and dignity of this Government" *etc.* P.S. I have just now received the queries your Lordship sent me, wch. I will answer as soon as 'tis possible *etc.* *Signed*, Henry Worsley. *Endorsed*, Recd. 6th, Read 9th Aug., 1724. 9 pp. *Enclosed*,

209. i. List of persons proper to supply vacancies in the Council. George Forster, William Terril, Henry Peers, Samuel Broom, Thomas Applewaite, Henry Evans, John Pickering, Edward Jordan, James Hannay, Ralph Weeks, John Holder of St. Phillips, Joseph Pilgrim. *Same endorsement.* $\frac{3}{4}$ p.

209. ii. Proceedings of Court of Chancery, Barbados, 22nd Jan., 1723-15th April, 1724. *Same endorsement.* Certified, Jon. Mein, Dep. Reg. 12 pp.

209. iii-vi. Duplicates of Nos. 208, i.-iii., vi. [C.O. 28, 18. ff. 80-84, 85v., 86, 87v.-93v., 94v., 95, 96v.-97v., 98v.-99v., 100v.-101v.]

June 16.

Virginia,
(Spotsyl-
vania
County).

210. Col. Spotswood to the Council of Trade and Plantations. If during the twelve years that it was a duty incumbent on me to render an accot. of my administration to your Lordships' Board, I never was faulted for any remissness or impertinence in my correspondence, but on the contrary had the good fortune to receive from your Lordships. many signal approbations of my conduct, permit me now to offer this to your consideration, and as I continue no less devoted to ye service of my Prince and country, than when I ruled a Province, I may hope still to deserve the continuance of your Lordships. just protection. Strange it may appear that I remain thus long abroad, without returning to give my Master an accot. of my stewardship; but I beg that may not be imputed to me for a crime, which happens to be ye unhappiest circumstance of my life; for here am I living under a vexatious impatience for some

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safe opportunity to get home, truly mortify'd to think that I am ye only person in these parts abridg'd of ye liberty of venturing to sea in any ships, but those of force, and yt. my eminent services, wch. brought me into this distress, have not merited the least care to relieve me out of it. Your Lordships. will easily conceive my meaning, when you reflect on ye vigorous part I've acted to suppress pirates: and if those barbarous wretches can be moved to cutt off the nose and ears of a master for but correcting his own sailors, what inhuman treatment must I expect, should I fall within their power, who have been markt as ye principal object of their vengeance, for cutting off their arch-pirate Thatch, with all his grand designs, and making so many of their fraternity to swing in the open air of Virginia. Another way I have to account for my stay in these parts, if I may be allowed to make a virtue of necessity. Finding myself confined on this side the water until a man of war offered to give me a passage home, and judging it prudent for me to retire from ye seat of Government, to avoid all censure of my concerning myself with ye administration, I soon after my return from Albany, wch. is above a year and a half ago, took up my residence here in the wild woods, 140 miles distant from Williamsburg, which is as far as I could well go, being got to one of ye extream western settlements of all H.M. Dominions; and in this retirement, not enduring to spend my days in idleness, nor giving over ye thoughts of serving my Country, I assiduously apply'd myself to pursue the scheme, wch. I had laid while I was Governour, of raising in this part of the world all manner of Naval Stores: and I have now made such a progress therein, as I believe upon my arrival at home I shall be able to render your Lordships. an agreeable accot. of that undertaking; for ye ministry will find yt. I have been heartily labouring for ye publick good, and may perhaps say that a more generous spirit that way has rarely appeared, when I make them a free offer of all my possessions and improvements here, to be made use of and carried on as they please for the benefit of the Navy; contenting myself with ye honour of the first projection, if ever my plan succeeds, to lessen the dependance of ye British Nation on the Northern Crowns, and wholly relying on my Prince's favour to make any farther use of my faithfull services, or allow me a competent support for what I surrender. I hope I have now fully satisfy'd your Lordships. as to the just occasion of my stay in these parts, and the sequel of this letter will shew how little allurements I have had to continue in them, and may serve to justify the extraordinary step I am going to make, when I am about taking a journey to try if I can pass incognito on board some ship to the norward (for I am too well known to all ye trade of Virginia) where neither master nor sailors know me, and so may possibly escape the knowledge of ye pirates, if I should have ye misfortune of falling into their

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hands. This hazardous step I am urged to by the grievous usage I meet with from my successor, Mr. Drysdale, who led by the counsels of my ever inveterate adversaries, seems to aim at nothing less than ye ruin of my character, and ye defeating of all my aforementioned undertakings. I thought indeed I had retired far enough out of the way of giving offence, but that I find impracticable, since the Governor has pitcht upon a base drunken infamous fellow, of this county, to bring him the characters of persons and the reports of transactions in this neighbourhood, and has been pleased to countenance and encourage him, even contrary to his word of honour given me the last year, when I waited upon him to make a formal complaint ; setting forth that this same fellow, who had served me as a common carpenter for wages, had had the insolence in his drink to lay violent hands on me, and collar me at my own door before my servants, and that tho' I had sufficiently corrected him for his insult, yet I hoped he (Mr. Drysdale) would in regard to the station I had been in, shew such a mark of his displeasure at the rude attempt, as that ye common people might not think they were to be encouraged by the present administration to affront me : But when after this application I see this very man ranting in the county with new commissions of profit and honour doubled upon him and his saucy son ; drinking damnation-healths within my hearing ; roaring out a Chew (for that's his name) or a Spotswood for the first man of the county ; boasting (upon this behaviour of his) of the extraordinary countenance he meets with at Court ; telling how ye Governor takes him by the hand and invites him to dinner ; bragging of fifty pounds he has got for his late journeys to Court, and of two hundred which he is to have for his secret services ; threatening all ye sober Justices, who shew'd their dislike of his drunken and riotous behaviour, yt. he would have them turn'd out of the Commission of ye Peace (wch. accordingly upon ye next journey of his we find actually done) running about with papers levelled at my character, and seducing ye illiterate vulgar to set their marks to they know not what, or drawing others in their drink to sign what they utterly deny when they are sober ; stirring up ye people to petition ye Assembly to take away for town lands ye very spots of ground where I am building my wharfs and warehouses for shipping off my Naval Stores ; prompting ye Surveyors of ye highways to mend no roads, nor repair any bridges wch. my carriages use ; instigating my tennants to discharge none of their engagements to me, but to run with idle stories to this Governor, who will be sure to stand by them ; and in short infusing into the people's heads yt. ye best way to obtain anything of ye new Governor is to do something to affront or prejudice ye old one : Now I say, My Lords, when I find myself so unfortunately placed under the administration of a Gentleman, who can be capable of hallooing ye vilest of

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fellows upon me to worry my character, I must think it high time for me to seek at all hazards another place of safety, as not knowing what length ye malice of such wicked instruments may go, when countenanced by the person who has ye power of life and death in his hands. But it might appear too much like meer railing, to affix harsh epithets to ye character of an adversary, without displaying other grounds than one's own resentment *etc.* Therefore 'tis fit to apprize your Lordships, yt. if any remonstrances be handed to your Board, wherein ye testimony of Larkin Chew is used, I shall be ready to manifest that man's character to be answerable to my epithets; and truly to know ye instruments imploy'd in forming an accusation, may give the best light into the truth and honesty of it. However upon ye bare apprehension of a charge, I shall not presume to trouble your Lordships. *etc.*, especially since I am at a loss to guess where my enemies design to attack me, I being in the state of an invested fortress, cut off from all intelligence, and discovering only by extraordinary movements yt. ye trenches are going to be opened somewhere *etc.* *Requests* to be fairly heard when he can personally attend the Board *etc.* *Concludes*: But least ought should be already sent home, concerning the lands in the two new counties, and charging me with exorbitant possessions there (which I perceive is the strain they are now upon) *encloses following*, wch. is ye copy of a letter I wrote to ye Auditor here, upon ye subject of ye rights and quit rents, wch. he demanded from ye two new counties: it contains several arguments on that head, and gives a particular accot. of ye lands I have taken up *etc.* *Signed*, A. Spotswood. *Endorsed*, Reed., Read 2nd Sept., 1724. *Holograph*. 4 pp. *Enclosed*,

210. i. *Same* to Col. Nathl. Harrison, Deputy Auditor of H.M. Revenue. Germanna, March 28, 1724. Your letter of 15th Feb., relating to the lands in the two new counties, is of such concern as ought to receive no slight answer from me, who have good reason to apprehend that aim has been taken at my possessions, by those who have first broached the notion that a restriction of lands, peculiar to these two counties, would be most for H.M. interest *etc.* *Continues*: In entering and surveying my land, I have strictly pursued the directions prescribed long before I had any thought of taking up a foot of land in Virginia *etc.* In patenting and paying the rights and quit-rents, I have as punctually comply'd with the rules as any person in the Colony: and tho' other persons names have been used to take up the tracts wherein I was concerned, yet I appeal to the Members of the Council, whether I ever made a secret thereof, and did not declare that my reason for so doing was, because I thought I could not be both the grantor

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and grantee : neither can it be alledged by any Surveyor that I ever offered to abate him one penny of his usual fee in surveying for me *etc.* My primary views in taking up land have not been to raise in this part of the world a mighty landed estate for my own proffit or pleasure ; but that I have been first lead into the possession thereof, either by motives of charity, or by notions of securing the frontiers, or by a publick spirit in promoteing Naval Stores, or else I have been drawn in by some incidents or cogent circumstances to engage myself farther in those matters, than I ever intended at my first setting out *etc.* It cannot be fairly concluded that the prospect of my own interest was the original inducement to my taking up all the land I am now master of *etc.* No one will offer to say that either my circumstances or character at home, could make me think of seeking a retreat in the forests of America, or that any demerits in my Prince's service should make me dread to return to his Royal presence ; nor could the expectations of a comfortable living induce me to lay the foundation of a Virginia estate ; seeing that before I took up one acre of land I had been long enough among you to observe that your best estates are not to be preserved but by immense trouble and care : neither am I, nor ever was, in that state to be urged by wife or children to forgoe the ease of my own life, in order to make a future provision for theirs *etc.* *Continues :* The first tract that I became possessed of was that of 3229 acres called the Germanna tract from my seating thereon several families of German Protestants, to the number of 40 odd men, women and children, who came over in 1714, bringing with them a Minister and Schoolmaster in order to be provided for and settled upon land in these parts by Barron Graffenriede pursuant to an agreemt. he had made with them in Germany. But before their arrival the Baron being nonpluss'd in his affairs here, and forced to return to Switzerland, those poor people would have been sadly distress'd, and must have been sold for servants, had I not taken care of them, and paid down £150 sterling which remained due for their passage : and ye Council Journals of 28th April, 1714 will shew that to my charity for these strangers I joyned my care for the security of the country against Indian incursions, by choosing to seat them on land 12 miles beyond the then usual course of our rangers, and making them serve for a barrier to the most naked part of our frontiers : and so far from my thoughts was it, to take up the land

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for my own use, that during the six years they remained on the land I never offered to plant one foot of ground thereon. My next tract of 3065 acres which being contiguous, I thought fitting to take up, the better to accommodate those people when I found them grow fond of having their settlements enlarged, it having been concerted that I should convey to them by way of lease for lives, because as aliens their possessions would not descend to their children: but they being seduced away by some greater expectations elsewhere, left the land upon my hands; and so I was first engaged to purchase servants and slaves for seating plantations in this Colony. Soon afterwards I was drawn into another land concern. In Feb. 1717 Sr. Richard Blackmore writes to Mr. Secretary Cock to engage me to favour a design, which he, with several considerable men at home, had to set up iron works in Virginia, and desires people might be imploy'd to find out the oar, and some thousands of acres taken up for yt. purpose. Accordingly I set my Germans to work to look for such oar, wch. search cost me upwards of three score pounds: But about two years afterwards I recd. a letter from Sr. Richard telling me he had at length considered that he was advanced in years, that his health was of late impaired, and that the undertaking was at too great a distance, and therefore he had determined to drop the project. Whereupon, rather than enter into a contention for my reimbursmts., I chose to joyn in with several Gentlemen here, who were willing to carry on the project, and bear their proportion of the charges I had already been at; and so the mine tract, consisting of 15000 acres of land, was in 1719 taken up by nine or ten Adventurers. About the same time I fell into another partnership of land *etc.* Mr. Robert Beverley having discovered some excellent land among ye little mountains, and made a survey thereof before the Proclamation issued in 1710, concerning the granting land, but not daring to seat lands so remote from all Christian inhabitants, and exposed to Indians, found it in vain to take out a patent for the same under the new terms of cultivation; until an opportunity hapned of freeing a considerable number of German families imported in 1717, when he invited me to become a sharer in the land, and at the same time admitted in some others partners, to the end we might all joyn our abilities to make a strong settlement with a body of people at once. Accordingly I came into the proposal, as judging it no ways unbecoming me,

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in the station of Governor, to contribute towards the seating H.M. lands ; and paying down the passage-money for 70 odd Germans, we settled them upon our tract as freemen (not servants) in 20 odd tenements, all close joyning to one another for their better defence, providing them there with a stock of cattle and all other things necessary for their support, without receiveing (even to this day) one penny or penny's worth of rent from them. This tract then consisted of about 13000 acres, but afterwards understanding that many others of the Germans, who had been sold for servants in this Colony, designed when the time of their servitude was expired, to come and joyn their country-folks, we thought it needful to enlarge the tract ; and I finding, by the care which the Lords Commissioners of Trade took to send over the methods for making hemp and tar, that the Ministry at home was for encouraging the Plantations to raise Naval Stores, judged it convenient to take in a large quantity of piney lands, which lay contiguous and fit for tar and masts ; and so it was increased to a tract of 40,000 acres. And considering the number of free people we have seated upon it (with whom we agreed to allot them out of it sufficient lands for their lives, and who are now about 100 Germans) it will not appear such an exorbitant possession as some persons have been pleased to represent it. And if I am now become possessed of both this and the Mine tract without any sharers, I have been brought into that circumstance more by necessity than choice ; for it is well known here that two of my principal partners dying, the executors of the one, and the heir of the other positively refused to go on with the design ; and that a third fell under such encumbrances as obliged him to give it over, and all the rest growing less sanguine upon the undertaking, than they were at first, I found myself reduced to the dilemma of either seeing an hopeful project (which I firmly believed would prove a publick good) miscarry, or of taking the whole adventure upon myself, which last part I chose to act, and so reimbursed everybody the utmost penny that they had expended *etc.* I have another patent for 28,000 acres (passed 27th July, 1722 in the name of Richard Hickman) which appears not upon the rent-roll you sent to the Sheriff of this county *etc.* The same is not all new taken up land, but is a patent containing several former grants, and some of the above-mentioned tracts are included. The main inducement to the enlarging my tracts by taking in the intervening

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lands, and adding some others contiguous to the Mine tract was to accommodate several families of people, whom we have imported, and must still import more, in order to carry on so grand an undertaking as that of raising all manner of Naval stores: and the agreemts. I make with the persons whom I imploy, will manifest that I have not taken up the land to sell it for their gain, but only expecting a moderate reimbursement of my charges, appropriate a great part thereof to the settleing people near to the works they are skill'd in. I am apt to think, from this tract not being in your rent roll, that it may not also appear upon the records of the Secretary's Office, and probably that may proceed from the directions I once gave the Clerk to forbear recording it, until I could be better satisfy'd as to some error wch. I apprehended to be in the survey. As to the tract adjoyning to the Christanna Indians lands, wherein you desire my directions about closing the survey; I entred for the same with no other view than to support the Charity School which I had there set up for the Indian children, and since I have been forced to give over that design, I shall e'en let the land drop with it: for ye settlement I have made there being scarce ye fiftieth part of ye charge I have been at on that account, I esteem as a trifle, and nothing in comparison of the concern it has given me to see miscarry, merely by an envious opposition, a pious design wch. was in less than three years time brought to that perfection, as for me to behold in school at once 78 children, led thither by their heathen parents, in order to be initiated in the principles of ye Christian Religion; besides the 11 hostage children, wch. then came 400 miles to be kept at the same school. But this may not be the only sacrifice of land I shall make; for if I am to struggle with the same opposition in the public spirited design I have of raising Naval Stores in this part of H.M. Dominions, I shall throw up ye greatest part of my possessions, and strive to set narrower bounds to that fond humour I have ever had to render my country more than ordinary service. Yet this step you are not to expect that I will make, before I have had ye opportunity to lay before my Prince, or his Ministry, the drift of my undertakings, and meet with discouragements at home from pursuing my designs. In the mean time I am ready to pay whatever be the demands of this Government upon me, but hope under such submissive conduct I may, without offence to the present authority, expostulate with you upon

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your construction of the Lords Justices' late order for remitting the rights and quit-rents of the two new counties *etc.* By your rent roll and instructions to the Sheriff the royal bounty extended to the whole county of Spotsylvania for 3 years amounts to no more than 28s. *etc.* The Ministry would not have spent their time over such a trifling sum *etc.* To wrest and force the meaning out of the Lords Justices' order (*quoted*), that all patents whatsoever bearing date before 1st May, 1721, and all tracts containing more than 1000 acres, tho' taken up before the King's pleasure was known, should be excluded from H.M. bounty, I fear is but too certain an indication of the further discouragements we are like to meet with in prosecuting ye design of securing the Passes in the Mountains. For my part I am not ashamed or afraid to own that I first set it on foot, how uncourtly or injurious soever it may be for me, under the present influence of affairs in this Colony, to confess or be known to have had an hand in anything: and if I who have been at the expence and fatigue of going in person to the discovery of the Passage in the Mountains; if I, who first drew the people out to seat this county by the strong frontier settlements I made for their protection; if I, who led the way to take up large tracts of those long neglected lands called Poisoned Fields; and if I, who have been at the trouble and expence of seating about 300 people upon lands in this county, must by a forced construction be excluded from the King's bounty, I have only to regret the pains I have taken *etc.* *Argues the case at length. Signed, A. Spotswood.*

Endorsed, Recd., Read 2nd Sept., 1724. 11 pp. [C.O. 5, 1319. ff. 190-191v., 192v.-198v.]

[June 16]. **211.** Col. Vetch to the Council of Trade and Plantations. Having considered the Board's suggestions, Petitioners propose to improve 8000 acres in 4 years from the date of the grant, and in order to prevent this grant being made a Bubble, that noe proprietor shall have liberty to sell or assigne his share untill he shall have been actually six months possessed of the same, or under such other limitations as your Lordshps. shall think most fitt. *Signed, Sam. Vetch. Endorsed, Recd. Read 16th June, 1724. $\frac{2}{3}$ p. [C.O. 217, 4. ff. 247, 248v.]*

June 16. **212.** H.M. Warrant to Governor Hart for admitting Peter Kensington. Soulegre to the Council of St. Kitts, in the room of George Milward, decd. *Countersigned, Holles Newcastle. Copy. [C.O. 324, 35. p. 72.]*

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[June 16.]

213. Mr. Drummond's observations on the Sugar trade. Dutch exports from Surinam to Holland have increased from 4000 in 1700 to 36,000 to 50,000 hhds. of 800 lb. Their sugar has improved much in quality and is now equal to Barbados. The French have increased their sugar plantations, especially in Martinico and St. Domingo, "in the later they gain greatly on the Spaniards and become very powerful, for besides the sugar, they have advanced much in the planting of indigo and coco-nut, their indigo is not only sent in very great quantities to France *etc.*, but I observe very great quantities of Martinico and St. Domingo indigo come hether from Jamaica and Barbados," *etc.* *Remarks on the sugar trade.* The consumption of sugar in England by the great use of tea and coffee is very much increased of late, especially by the cheapness of tea *etc.* If the Government give up the 4 p.c. duty taken in kind in the Sugar Plantations and allow a drawback of the entire duty to exporters, the public may find their loss by a moderate excise on loaf or refined sugar *etc.* *Report upon European tobacco. Continues:* The only way to support our plantations and their product is to ease them of burdens, duties, and taxes as much as can be, that the support of their labouring people and consequently labour itself may become cheap, that no duty be imposed on black or white servants at their introduction into the plantations, and that the Guine trade be well supported that the traders may be able to supply the plantations with negroes at moderate rates which can never be done if the Guine company's settlements should either go to decay, or fall into the hands of other European powers, *etc.* *Represents* "a very growing evil in our Plantations by an immense trade of sugar begun of late years by the Dutch East India Company from Batavia or Java" to Moca and Europe *etc.* *Described. Endorsed,* Recd (from Col. Bladen) 16th, Read 24th June, 1724. 8 pp. [C.O. 388, 24. No. 142.]

June 16.

London.

214. Stephen Godin to the Council of Trade and Plantations. *Cf.* 30th May. *Urges* enforcement of Act for ascertaining prices of coins in America, and for manning of vessels with British sailors. Building timber and dying wood should be enumerated, to prevent the trade from New England and Newfoundland in fish, corn and timber, to Spain, Portugal, Italy and Algiers, returning with manufactures of those countries. "It will turn more to our advantage to sell ships ready wrought to strangers than to find them timbers as cheap as we can get it ourselves. In strickness corn of all sorts should be enumerated when designed to Europe *etc.* It may be esteemed a complaisance beyond reason for Great Britain which is at so vast expences to support and protect its self and Colonies, and which abounds in corn, and may raise more sufficient for all Europ, should countenance in its Colonies a growth wch. alone interferes wth.

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its product, and so much as to undermine it, by ye advantage the Colonies have of paying no taxes, and having a good new land for nothing *etc.* *Signed*, Steph. Godin. *Endorsed*, Reed. Read 21st July, 1724. 3 pp. [C.O. 388, 24. No. 151.]

June 17.
Whitehall.

215. Council of Trade and Plantations to Governor Burnet. *Acknowledge* letters of 29th May, 25th June, 16th Sept., and 16th Dec. *Continue* :—We thank you for the several accounts you have therein sent us. We approve of the consent you and the Council gave to proposals of the Government of New England to treat with the five Nations of Indians at Albany, which we hope may prove effectual for their service, and as you seem truly sensible of the great utility the five Nations are to the British interest in America, so we do not doubt, but you will continue to pursue the proper methods to prevent their being seduced from their dependence on the Crown of Great Britain. As to the Act for laying a duty of 2 p. cent prime cost on the importation of European goods, H.M. has thought fit to repeal the same; and you will shortly receive an additional Instruction not to pass Acts upon any pretence whatsoever for laying a duty upon importation of European goods: For which reason we hope you will find some other fund for building the Fort intended by the said Act. We are glad to find that so good effects have arisen from the Act passed by you, for the encouragement of the Indian trade, and particularly to hear, that the strength of the five Indian Nations is increased by the accession of sevl. of the far Indians to their body: and altho' we have had some complaints made to us by the merchants trading to New York, against this Act; Yet it carries so great an appearance of advantage with it, you may depend upon it we shall duly consider their objections before we discourage so fair a beginning. H.M. has been pleased to confirm the Act for *running a division line between Connecticut etc.*; We hope this Act will have it's desired effect. We cannot give our opinion of the Act for *raising 5350 ounces of plate etc.*, till we shall have received the same in an authentick manner; And our Secry. did some time since, acquaint you by our Order, that printed Acts, without the Seal of the Province, and proper certificates annexed to them, are not agreeable to your 19th instr. However in general we must acquaint you, that bills for encreasing of paper credit will meet with no encouragement hence. [C.O. 5, 1124. pp. 340–344; and (*rough draft*) 5, 1079. No. 137.]

[June 18]. **216.** Mr. Worsam's account of disadvantages the Sugar Plantations lie under through defects in the Acts of Trade and Navigation. When British ships laden with foreign sugars, which are cheaper than in British Plantations, are allowed to go with them directly to a foreign market or to the Northern British Colonies, where great quantities are consumed, and the

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rest either sent home or to other foreign markets without touching in Great Britain, which occasions a diminution of the exports from Great Britain. Our ships also carry foreign sugars into Ireland, whither British subjects in the West Indies are not allowed (23^d. Car. II.) to send the produce of their plantations. The 4½ p.c. pd. at the time of shipping sugar in Barbados being given for the uses of the said Island, it would be a great encouragement if the same was applyed accordingly, and that the Sugar Plantations were likewise freed from the duties payable by 25 Car. II. when shipped from one British Plantation to another, and that they might as formerly carry their sugars directly to Ireland, paying the same duties as in Great Britain, which might be eased and drawbacks allowed *etc.* *Signed*, R. Worsam. *Endorsed*, Recd. 18th (from Col. Bladen), Read 24th June, 1724. 2 pp. [C.O. 388, 24. No. 143.]

[June 18.] **217.** Tobacco merchants *etc.* to the Council of Trade and Plantations. *Reply to queries of May 14.* (i) The excess of the imports of tobacco is due to the increase of people in Virginia and Maryland, the diminution of the imports is due to bad seasons. The consumption in England is much the same. (ii) The Act of Parliament by which the duties on tobacco are collected provide an incouragement for such who pay those duties with ready mony, and we do not know of any incumbrances at the places of its growth. (iii) The price varies according to the quantity made in Europe and imported from America. (iv) Tobacco of Spanish, Portuguese and French plantations in America, are chiefly used in Southern Europe, and is generally better esteem'd than tobacco of the British Plantations: German and Dutch is chiefly used in Northern Europe, and comes nearest to the British tobacco in the esteem of the consumers. (vi) It would much encourage our tobacco trade both at home and abroad, that the coast of America be well guarded from pyrates, and that H.M. should interpose with all Princes in Europe that Brittish tobacco may be brought into their dominions on as easie terms as that of any other growth *etc.* *Signed*, Micajah Perry, E. Randolph and 21 others. *Endorsed*, Recd. (from Mr. Perry), 18th, Read 24th June, 1724. 1 large p. [C.O. 388, 24. No. 144.]

June 18. **218.** Account for wood and coal for the Board of Trade. £33 1s. 5d. *Endorsed*, Recd. 1st, Read 8th July, 1724. ¾ p. [C.O. 388, 78. ff. 99, 100v.]

June 18. **219.** Governor Nicholson to the Council of Trade and Plantations. *Encloses duplicate of 22nd May. Continues* :—
South Carolina.
 Our Assembly is now ended according to our law for three years. The Commons House of Assembly as they stile themselves have for ye most part acted very strangely and in my opinion arbi-

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trarily if not illegally, and as soon as the Journals of H.M. honble. Council and theirs are finished which I hope (God willing) will be in a fortnight I shall transmitt them and then yor. Lordps. will be best judges whither they or H.M. honble. Council and myself have behaved most loyall and dutifull to H.M. Royall Instructions and I should fail in my duty to his most sacred Majty. if I did not observe to yor. Lordps. the very great trouble and concern I have to find the spirit of Commonwealth principles both in Church and State increase here dayly and (as supposed) partly by the influence of the New Englanders. I have observed that a great many of the natives of this Continent are very variable in their polliticks both Church and State wch. may be partly caused by the uncertainty of the weather both in respect of heat and cold. I find that great industry is used to influence the people by insinuating that the Lords Proprietors will have ye Government again. This hath been a topick greatly made use of since I have had the honour to be here and underhand managed by the late Rhett and Mr. Trott and supposed now to be carryed on by the said Trott with the present Mr. Rhett and Mr. Roger Moore and Eliazer Allen (who married two of old Rhett's daughters) and Joseph Blake Esq. one of the twelve Proprietors, who some time before the Assembly mett told me that he had an accot. that the Lords Proprietors intended to bring the affair of the Governmt. to an issue which I most heartily wish was done but this might be like some other insinuations before Assembly.

P.S.—Our late Commons House of Assembly would not agree to have the Honble. Francis Yonge Esq. continued our Agent or any other appointed tho' they were very much pressed to it by H.M. honble. Council and myself, and the Comittee of Correspondence ceaseth but they send to Mr. Yonge some papers *etc.* *Refers to Journals.* Col. Chicken will send to Mr. Yonge the proceedings we have had of late with two partys of Creek Indians and I shall write to Mr. Yonge to wait upon your Lordships with them *etc.* *Signed, Fr. Nicholson. Endorsed, Reed. 20th Aug., Read 29th Oct., 1724. 3 pp. [C.O. 5, 359. ff. 201–202v.]*

June 24. **220.** Mr. Popple to Mr. Balam. Requests despatch in Whitehall. reply to letter of 5th May. [*C.O.* 389, 28. *p.* 157.]

June 24. **221.** Petty Expences of the Board of Trade (£69 7s. 2d.) from Lady Day to Midsummer, 1724. *v. Journal of Council.* 4½ *pp.* [*C.O.* 388, 78. *ff.* 89, 93–94v., 97, 98v.]

June 24. **222.** Mr. Burchett to Mr. Popple. Encloses following. Admiralty Office. *Signed, J. Burchett. Endorsed, Reed. 24th June, Read 2nd July, 1724. ¾ p. Enclosed,*

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222. i. Extract of letter from Mr. Blakeway, Judge of the Vice Admiralty of S. Carolina, to Mr. Burchett, 9th May, 1724. About a fortnight since arrived in this harbour a French sloop belonging to the Mississippi Company, which about 10 French soldiers had obliged the Master to bring in here, (*v. encl.*) This is the second desertion from the French Settlements to this place by sea, tho' it often happens by land from their forts. I find the reason is, that it is a country of misery, where there is neither money, nor provisions, that they are promised wonders before they go over, and find them in nubibus, and that the constraint there is upon the people makes them take any method to get their liberty, for when a man once gets amongst them, nothing purchases his freedom, for he can never get leave to return to France *etc.* They have fallen on a method of making Naval Stores, and for three years have made pitch and tarr, and have resolved to improve such usefull commodities, and have already settled four Plantations, with 50 negroes on each to carry on that work, of what consequence this may in time be to Great Britain is humbly submitted to their Lordships' consideration. *Copy.* $1\frac{1}{2}$ pp.

222. ii. Deposition of J. Lazou, Master of a vessel belonging to the Compagnie des Indes. I was compelled by six soldiers I had on board to make for Charleston *etc.* 27th April, 1724. *French.* $2\frac{3}{4}$ pp. [*C.O.* 5, 359. ff. 21, 22–24, 26v.]

June 25. 223. Mr. Popple to Mr. Attorney and Solicitor General. Whitehall. Encloses for their opinion in point of law draughts of Acts of Jamaica, (i) *granting a Revenue to H.M.*, and (ii) *augmenting the salary of the Duke of Portland etc.*, upon the success of which Acts, the continuance of the Jamaica Laws, upon which they have made their report, will depend *etc.* Encloses papers on the subject (4th March, *etc.*) [*C.O.* 138, 16. pp. 470, 471.]

June 25. 224. *Same* to Mr. West. Encloses, for his opinion in point Whitehall. of law, ten Acts passed in Jamaica, 1723, 1724. [*C.O.* 138, 16. pp. 471–473.]

June 25. 225. Lt. Gov. Sir W. Keith to the Duke of Newcastle. It Pennsylvania. being wholly by H.M. royal favour and appointment that I have acted these few last years as Governour of this Province, and understanding that some late applications have been made by Mr. Penn's family for surrendring the Government into the hands of the Crown: I thought it my duty to acquaint your Grace, that some material informations may be had from hence in order to render such an agreement very serviceable to H.M.,

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and at the same time suitable to the interest of Mr. Penn's family ; But considering myself in my present station only as a servant accountable both to H.M. and to the Proprietors' family, it will not I presume be expected that I should officiously offer anything particular on this subject until it be called for, *etc.* *Signed*, W. Keith. *Endorsed*, R. Augt. 21. 2 pp. [C.O. 5, 1234. No. 3].

[June 26] **226.** Leeward Islands Merchants to the Council of Trade and Plantations. Reply to queries of 12th May *etc.* Similar to replies of May 31–18th June. *Conclude* : The French still making their claims for the payment of the ransom exacted from Nevis, many on that account have left the island. The stipulation in the Treaty of Utrecht that restitution should be made for the raid on Montserrat, “ did incourage the inhabitants to resettle, but finding no releife thereby, notwithstanding the many solicitations for the same, the greatest part of them have since deserted the said island ” *etc.* *Signed*, Jos. Jory, Edwd. Chester, W. Gerrish, and 24 others. *Endorsed*, Recd. (from Mr. Gerrish) 26th., Read 30th June, 1724. 3 pp. [C.O. 388, 24. No. 146.]

June 26. **227.** Governor Burnet to the Duke of Newcastle. I do
New York. myself the honour by the first opportunity to wish to your Grace all manner of satisfaction and success in the Office which your Grace has lately received from his Majesty *etc.* *Compliments.* *Signed*, W. Burnet. *Endorsed*, R. Aug. 21. 2 pp. [C.O. 5, 1092. No. 30.]

June 30. **228.** Mr. Popple to Mr. Scrope. Encloses copy of Revenue
Whitehall. Bill of Jamaica and papers thereon (*v.* 4th March), for the opinion of the Lords Commrs. of the Treasury thereon as soon as possible. [C.O. 138, 16. pp. 473, 474.]

July 1. **229.** Mr. Attorney General to Mr. Popple. Upon consider-
Lincoln's ing the two Bills from Jamaica *etc.*, Mr. Solicitor General and
Inn. myself have observed that one of the questions stated by His Grace the Duke of Portland to the Council of Jamaica is whether the alterations of the duties on sugar and indigo be consistent with his Grace's Instructions. (*v.* 4th March). *Asks for* a copy of his Instructions *etc.* *Signed*, P. Yorke. *Endorsed*, Recd. Read 2nd July, 1724. 1 p. [C.O. 137, 14. ff. 325, 326v.]

July 1. **230.** Duke of Newcastle to the Council of Trade and Planta-
Whitehall. tions. His Grace the Duke of Portland having some time since transmitted hither *the Revenue Act* passed in Jamaica *etc.* ; I make no question, but that the said Act is under yor. Lops. consideration. But this being a matter of great importance to H.M. service in that Island, in regard it does so immediately

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concern the renewal of the Laws there, which will otherwise expire in October next, and H.M. finding, that no Representation has yet been made to Him upon this subject, hath commanded me to recommend it to you in a particular manner, that no time be lost in laying the said Act before Him, together with such observations, as you shall judge proper. I am likewise to recommend it to yor. Lops., that you do with all convenient expedition prepare the proper representations to H.M. upon any other Acts, which are, or shall be transmitted to your Board from any of the Plantations, to the end that H.M. pleasure may be signified upon them in due time. *Signed*, Holles Newcastle. *Endorsed*, Reed. Read 1st July, 1724. 1½ pp. [C.O. 137, 14. ff. 323, 323v., 324v.]

July 1. **231.** Council of Trade and Plantations to the Duke of New-
Whitehall. castle. *Reply to preceding.* *Explain* that they await the opinions of the Attorney and Solicitor General and the Treasury, before making their Representation. *Conclude*: We observe what your Grace is pleased to recommend to us relating to the dispatch of our opinion upon Acts transmitted from the Plantations *etc.*, and we take leave to inform your Grace, that we generally divide the Laws of the Plantations into three different classes, that is to say, such as, for the service of ye Colonies or the security of private property, demand an immediate confirmation; such as in their own nature are so pernicious as to demand an immediate repeal; and lastly, such of whose effect being doubtful, we think it necessary to let them lye by as probational, till we shall have been fully informed what effect they may have in their execution. As to all Acts of the two first kinds, we never fail to represent upon them without loss of time to H.M., but as to those of the third class, we generally lay our opinions concerning them in a great number at once before H.M. occasionally, as ye respective affairs of the different Colonies fall under our consideration. But as to the Laws of the Plantations in general, we take leave to observe to your Grace, the fewer Acts there are confirmed, ye greater will be the dependance of ye Colonies upon the Crown; of which the present state of the Island of Jamaica is an instance. *Autograph signatures.* 3 pp. [C.O. 137, 46. No. 41; and 138, 16. pp. 475-477.]

July 1. **232.** *Same* to the King. Recommend Saml. Moore as
Whitehall. Councillor of Jamaica, in place of Capt. Morant deed. [C.O. 138, 16. p. 478.]

July 1. **233.** Mr. Popple to Anthony Balam, Inspector General of
Whitehall. the Customs. *Asks for* a return of imports and exports of sugar, mellosses, rum and spirits for New York, Christmas 1714-1722. [C.O. 5, 1124. pp. 344, 345.]

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July 2. **234.** Mr. Worsam to Col. Bladen. *Encloses* following.
 Chertsea. *Signed*, R. Worsam. *Endorsed*, Recd. (from Col. Bladen) 2nd,
 Read 21st July, 1724. 1 p. *Enclosed*,

234. i. Further considerations on the sugar trade. *Cf.*
 June 18. Points out how Barbados sugar is handi-
 capped by duties in comparison with foreign *etc.* R.
 Worsam. 4 pp. [C.O. 388, 24. Nos. 153, 153. i.]

July 2. **235.** Mr. Popple to Mr. Attorney General. *Encloses* papers
 Whitehall. as requested in No. 229. [C.O. 138, 16. p. 479.]

July 3. **236.** Governor Burnet to the Duke of Newcastle. *Requests*
 New York. H.M. approval of his appointment of Francis Harrison as
 Recorder of the City of New York, in the room of David
 Jemison, "whom I have displaced on account of his advising
 the Corporation to insert scandalous and malicious reflections
 on the Government of this Province in a paper delivered by
 them to me, which the enclosed Minute of Council will shew
 your Grace that the said Corporation have retracted, and have
 cast the blame on the said Jemison and their own inadvertency
 in agreeing to it. I have directed my Agent, Mr. Peter le Heup
 to attend your Grace in this affair" *etc.* *Signed*, W. Burnet.
Endorsed, R. Aug. 24. 2 pp. *Enclosed*,

236. i. Minutes of Council of New York, 24th June, 1724.
Referred to in preceding. 1 p. [C.O. 5, 1092. Nos.
 31, 31. i.]

July 4. **237.** Order of King in Council. Referring to Committee
 Kensington. of Privy Council the draft of an Instruction to Governors
 relating to duties upon European goods imported in English
 vessels *etc.* (v. 4th June). *Signed*, Temple Stanyan. *En-*
dorsed, Recd. 14th., Read 22nd July, 1724. $\frac{3}{4}$ p. [C.O. 323,
 8. No. 47.]

July 4. **238.** Order of King in Council. Repealing Act of Bermuda
 Kensington. to supply the deficiency of the several funds *etc.*, 1723. *Signed*
and endorsed as preceding. 1 p. [C.O. 37, 11. ff. 103, 104v.]

July 4. **239.** Order of King in Council. H.M. was pleased to signify
 Kensington. his disapproval of above Act. "And whereas it hath been
 observed at the Board, that an Act of the same kind was past in
 the said Islands in 1721, laying a duty on European goods, and
 that the same had been repealed by order of this Board, H.M.
 is therefore pleased to order, that a Committee of the Privy
 Council do consider the Instructions given to Coll. Hope about
 passing laws, and report to H.M. at this Board how farr the
 said Governor hath pursued the same." *Signed and endorsed*
as preceding. 1 p. [C.O. 37, 11. ff. 105, 106v.]

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July 4. **240.** Order of King in Council. Referring to Committee
Kensington. Act of Barbados *to raise a levy etc.*, and representation thereon,
4th June. *Signed*, Temple Stanyan. *Endorsed*, Recd. 14th,
Read 22nd July, 1724. 1 p. [C.O. 28, 18. ff. 78, 79v.]

July 4. **241.** Order of King in Council. Dispensing with that part
Kensington. of Governor Hart's Instructions which confines the passing any
Act for making an addition to his salary to the first Assembly,
and permitting him to assent to an Act passed by the present
Assembly of Antigua, if not liable to the objections made to the
former Act and in every other respect agreeable to H.M. Instruc-
tions. *Signed*, Temple Stanyan. *Endorsed*, Recd. 14th, Read
22nd July, 1724. 2 pp. [C.O. 152, 14. ff. 262, 262v., 263v.]

July 6. **242.** Merchants trading to Jamaica to Mr. Popple. *Reply*
London. *to 24th June*. Enclose following *etc.* Cf. 31st May. When
7 or 8 holy days and Sundays follow successively as was the
case last Whitsuntide and is every year so to about the latter
end of Oct., business is hindered in a very greivous manner,
when, for instance 30 or 40 sugar ships are unloading at the same
time, and half that number of foreign ships lye waiting at the
same time to load sugar and tobacco, they must stand still
till the holydays are over *etc.* Neither the Dutch nor any
Protestant trading cities in Europe are lyable to such, *etc.*
Signed, Rd. Harris and 9 others. *Endorsed*, Recd. 10th, Read
15th July, 1724. 3 pp. *Enclosed*,

242. i. An account of customary holydays. 47 days or
more, exclusive of Sundays. 1 p.

242. ii. Charges attending a sugar ship of 100 tons from
Jamaica in respect of the ship only. Registration
and harbour fees in England, inwards and outwards,
amount to £19 11s. 2d. Powder money at Jamaica,
£5 10s. Fees at Port Royal, £8. Convoy money,
£11. *Total*: £44 11s. 2d. 1 p. [C.O. 388, 24. Nos.
148, 148. i, ii.]

[July 6.] **243.** Dutch and Hamburg Merchants Exporters of sugar
and tobacco to the Council of Trade and Plantations. If the
duties on sugar in the Plantations were entirely taken off and
drawbacks allowed on re-exportation, the French could not
so frequently undersell us *etc.* 29 signatures. *Endorsed*, Recd.
6th, Read 21st July, 1724. 2 pp. [C.O. 388, 24. No. 154.]

July 6. **244.** Mr. Attorney and Mr. Solicitor General to the
Council of Trade and Plantations. *Report upon* the two bills
from Jamaica (*v.* 25th June). The principal considerations
arising from these two bills, appear to us to be rather matters of
prudence and policy than of law *etc.* As to the Revenue Bill *etc.*,
the reduction of the duties upon sugars and indico does not

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appear to us to be contrary to the terms of the Governor's Instructions, because it cannot take off or in any way affect the generall prohibition of trade with France, for the duty can take place only upon indico lawfully imported, and not such as is prohibited. But if the trade of that commodity be chiefly in the hands of the French, and notwithstanding the general prohibition of trade has been carried on with them in a clandestine manner (wch. the Duke of Portland's letter imports) whether this reduction of the duty will tend to encourage that clandestine trade or rather to encrease the open importation of indico in a lawfull way, is proper for your Lordships' consideration, *etc.* The Revenue given by *this bill* is made perpetual, and the Laws continued by it, are continued for ever, which makes it the more necessary to consider whether the provision be such as will be sufficient to answer the exigencies of ye Governmt. For if it should happen not to prove so, the people of this Island, having their laws secured to them in perpetuity, may think themselves in a better condition to withstand even reasonable demands wch. may hereafter be made by the Government to supply any deficiencies on that head, than they have hitherto been, whilst their laws were temporary and precarious. And this seems to us to be of the greater weight by reason of ye unusual method taken to annex to this bill, an estimate of the annual expenses of H.M. Government in this Island by way of debtor and creditor, wch. by reference is made a part of the bill it's self, and is computed to amount to £8000 pr. annum, and the clause whereby ye Assembly have engaged themselves to supply deficiencies is only upon the contingency of this Revenue falling short of that sum. The clause concerning the Laws of the Island and their continuance is penn'd in a manner much less liable to exception then that sent over the last year, tho' not so free from objection as it might have been. The effect of it is—, That this Act and all Acts and Laws, as they now stand and are accepted and used in Jamaica, are thereby declared to be and remain in force for ever, except the present Revenue Act, and four Acts lately passed. This clause concerns two kinds of laws, (i) Such laws of England as have been accepted and used in Jamaica, (ii) Acts of Assembly. We apprehend from the words of this clause, and from the Council's answer to the Duke of Portland's queries (*v.* 4th March), that the first sort of laws are what the Assembly had more especially in view. But as it is confined to *Acts and laws as they stand accepted and used in this Island*, we conceive no inconvenience can follow from it, because no other part of the Law of England will be established thereby, but such as by acceptance and usage in Jamaica has already gained the force of a law of that Island, and such would continue to be laws there without the assistance of this bill. The greatest objection to this clause concerns the Acts of Assembly. For as it is now penn'd all

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their temporary Acts of Assembly which are at present in force will be made perpetual (except the four wch. are particularly excepted). And it can hardly happen but some of their temporary laws are not fit to be continued for ever, at least it seems fit that they should be fully looked into and considered before they receive such an establishment. As for the bill for augmenting the Duke of Portland's salary, we have no objection in point of law against the same. *Signed*, P. Yorke, C. Wearg. *Endorsed*, Recd. Read 8th July, 1724. 3 $\frac{2}{3}$ pp. [C.O. 137, 14. ff. 328-330v.]

July 6. **245.** Governor Phenney to Lord Carteret. *Encloses*
 New Providence. duplicates of papers sent by way of South Carolina and also
 "a copy of what I had lately wrote to the Governor of the Havana without any return or intention of his to make one : By (*encl. ii.*) the Assiento Factors, I find nothing is to be expected from thence, be the demands never so reasonable" *etc.* *Asks for directions how to behave. Continues* : Mr. Ruchier formerly Governor of Bermuda, and Mr. Nicho. Trott of these Islands continueing to solicit their Attorneys here to demand in their names, Abacoa, Hog Island, the Exumas, together with the sole property of the braziletto wood and salt, I have generally answer'd, that when any such claimants produce authentick copys of the original assignments from the Lords Proprs. they shall be admitted, but I presume they will be obligd to settle those great tracts of lands they claim so as to provide for their defence according to the tenor of the usual patents. As all patents under the great Seal are to be in H.M. name I have sent your Lordship a draught of one, desiring your Lordship will be pleas'd to direct how to fill up the blank for reservation of rent, and beg leave to observe that the broad Seal is not yet arrivd, having only the impression in lead which was first sent. Timber being very scarce, and the palmeto tops exhausted in Bermuda have indued several of those people hither, which with my encouragement has made several of our women go to work in making platt, which considering the great quantitys of palmeto here may in time bring as considerable advantages to this place as it has done to Bermuda. We have now almost finisht the last bastien, and shall continue with all possible diligence to finish the outworks, but the total decay of the carriages we had from home makes the necessity of the stores of war desird to be sent hither to be every day more pressing. By a letter from Mr. Burchett, 18th Oct. last, I am acquainted that the Lords of the Admiralty had under their consideration my desire of having a small ship of war to be station'd here, but I have heard nothing further since. We have now a Spanish periagua among the windward of our Islands which is suppos'd to be waiting to catch some of our vessels going for salt. The inhabitants at our last Quarter

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Sessions by an Address pray'd me to continue my solicitations for a ship of war, and such other things as may be necessary for our security, and I hope your Lordship will not take it ill that I so often repeat these things, as we are not yet able to maintain any person at home to remind your Lordship of our wants. I am but too sensible that our dependance on any other than your Lordship is uncertain, and having no reason to expect any shipping from England this year, I am at a great loss for the clothing and the recruits I have sent for, and the carriages and stores which I hope your Lordship will order. It was our misfortune not to have an opportunity sooner to show our duty to H.M., and hope your Lordship will please to present our Address enclos'd, with favor to us, *etc.* *Signed, G. Phenney.* *Endorsed, R. 23rd Sept. 2 pp. Enclosed,*

245. i. Governor Phenney to the Governor of the Havana. N. Providence, 18th March, 1724 $\frac{3}{4}$. *Requests* delivery of Joseph Alibert, a deserter from H.M. Garrison, and *refers to* former application to which he received no answer. *Copy.* $\frac{3}{4}$ p.

245. ii. W. Nicholson and J. Calder to Governor Phenney. Havana, 2nd April, 1724. Your letter to our Governor touching the deserters was urged on our parts with all possible efficacy, but to no purpose, the Governour insisting that deserters are always protected in time of war, and ought much more in time of peace, besides the consideration only of becoming Christians of the Romish Church is a sufficient motive to dispense their remaining here. The truth is that our Garrison has not been for a long time supplied with men, so that all renegados of French or English are immediately taken into their pay *etc.* *Signed, Wargent Nicholson, J. Calder.* *Copy.* $\frac{3}{4}$ p.

245. iii. Duplicate of Replies to Queries Dec. 24, 1723, *encl. i.* $8\frac{1}{2}$ pp.

245. iv. Draught of patent for land, referred to above. $1\frac{1}{2}$ pp. [C.O. 23, 13. ff. 169-179v.]

July 7. 246. William Wood to [?Mr. Delafaye]. Sr., I presume on what passed between Mr. Horatio Walpole and my selfe, concerning the Act of Jamaica rejected last summer, to trouble you with the enclosed paper *etc.* *Signed, Wm. Wood.* 2 pp. *Enclosed,*

246. i. *Same to Same.* *Proposes* (i) that the Duke of Portland be immediately instructed to move the Assembly of Jamaica to continue the present Revenue Act together with all the laws that are in force for one year longer from 1st Oct. next in order to avoid the confusion that must arise from the Island having no

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laws; and (ii) that it be taken into consideration, what of the present laws, and additional ones, may be proper to be confirmed. 2 pp. [C.O. 137, 52. ff. 71, 71v., 73, 73v.]

July 7. **247.** Mr. Popple to Mr. West. Requests reply to June
Whitehall. 25th as soon as possibly may be. [C.O. 138, 16. p. 479.]

July 7. **248.** Mr. Popple to Mr. Oxenford, Assistant Inspector
Whitehall. General. Asks for a return of imports and exports to and from
New York from Christmas, 1720. [C.O. 5, 1124. p. 345.]

July 8. **249.** Mr. Oxenford to Mr. Popple. The Inspector General
Custom is only required to keep accounts of goods exported from and
House. imported into England, and therefore has no accounts of
American ports *etc.* Signed, John Oxenford. Endorsed, Recd.
8th, Read 23rd July, 1724. Addressed. 1 p. [C.O. 5, 1053.
ff. 218, 219v.]

July 8. **250.** Council of Trade and Plantations to the Lords Com-
Whitehall. missioners of the Treasury. Enclose Office Accounts from
Michaelmas, 1723, to Midsummer, 1724. There was then 9
months salary due to the Secretary and other Officers *etc.*
Accounts, certified, annexed. [C.O. 389, 37. pp. 239-24.]

July 9. **251.** H. M. Warrant to Governor Shute for admitting
Kensington. Archibald MacPhedris to the Council of New Hampshire.
Countersigned, Holles Newcastle. Copy. [C.O. 324, 35. p. 73.]

July 10. **252.** Like warrant for admitting John Frost to the Council
Kensington. of New Hampshire. *Countersigned, Holles Newcastle. Copy.*
[C.O. 324, 35. p. 74.]

July 10. **253.** Governor Hart to the Council of Trade and Plantations.
St. Encloses (i) *Act for the establishing a Court of King's Bench and*
Christophers. *Common Pleas and for the better advancement of Justice in the*
Island of St. Christophers and for settling certain fees and repealing
a former Act for establishing of Courts etc. I beg leave to make
some remarks to your Lordships of the most material alterations
in this Act, from the law which was formerly in force; and I
shall endeavour to acquaint your Lordships with the reasons,
which, I conceive did induce the Legislature of this Island
to make the said alterations. And the first amendment is
that the said Courts are now appointed to be held constantly
at one place, that is at the town of Old Road, which is deem'd
to be the center of this Island; the former method of holding
the said Courts alternately at the windward side of this Island
was found to be too inconvenient, there being no fitting accom-
modation to be had at that part of the Island for the entertain-

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ment of people, who must attend at the Court; Besides the mischief of carrying the papers and records of that Court about from one place to another is now prevented. This new law directs a declaration to be filed and served on the defendant in all actions whatever, which is according to the practice of the Courts in Westminster Hall. The former law made declarations unnecessary in most kinds of the common actions, which was too summary and often laid hardships on the defendant in his pleading. In the next place the proceedings in prosecuting actions, or attaching the goods of absent persons is by this present law more fully declar'd; and the mischiefs, which might attend such actions or attachments, is better guarded against, by giving the absent defendant a reasonable time to reverse the judgment and plead to the action. Then the time for filing special pleas, replications etc. and entering the records of all the proceedings more at large is better settled and directed than it was before. The next alteration, which is a very material one indeed, is the form of the execution, and the practice which ensued thereon; By the former law, when any goods were taken in execution the defendant had liberty to have the said goods appraised and the plaintiff was obliged to take the goods (as appraised) in discharge of his judgment; This was a prodigious hardship on the creditor, and a great discouragement to trade, for by that method the plaintiff got only the liberty to make a new debt of an old, for he could get no money; But was sure that the defendant wou'd put the most unusefull part of his chattels on him, and that at a full price, (for the appraisement was to be upon oath) which the plaintiff must sell again, and probably at a less price, and if the new vendee proved to be of the same principle with the old debtor, the creditor must sue again for payment, and take other goods in execution, and so on, ad infinitum, without getting his debt, and this course often laid defendant himself under equal or greater hardships than the plaintiff, as for instance, for a judgment of sixty pounds, a lease and house thereon was levy'd on, and apprais'd at £200; By this means the defendant lost his house, and yet the plaintiff cou'd not have it, unless he paid £140 more, which he refusing to do, the house remain'd under execution, till it fell to ruin, and both plaintiff and defendant lost their interest therein. This evil is now remedied by the goods being sold at outcry, which puts an immediate end to the suit. The common complaint of goods being sold at outcry at a very under price, by reason of the great scarcity of the species of money which brought few bidders to market, to the great damage of the defendant, is now obviated by allowing sugars and the other commoditys of the growth of the country to be taken in payment: The defendant may hereby expect a reasonable price for his estate taken in execution, and the plaintiff cannot suffer by receiving payment in such commodities as he may turn

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into money either here, or at London, which, is the principal mart of all our trade. In the former Act there was a clause which restrained lands when taken in execution from being sold, provided they cou'd be sett out at a rent sufficient to pay the debt in five years by extent, this was design'd only to preserve the inheritance after the personal estate was supposed to be gon. But it gave room for a landed debtor to skreen his personal estate from his creditors, by eloining or secreting his personal estate from the view of the Marshal, and obliging him to levy on the lands, which, cou'd not be sold in five years, and thereby kept the creditor so long from his debt. For this reason this clause is now left out of this Act; and if men will suffer their lands to be levy'd on, they shall be sold as chattles, according to the law, and practice of most other Colonies. The great searsity of Freeholders in this Island, and the neglect of Jurors attending, made it absolutely necessary to qualify substantial men, tho' not Freeholders, to serve on jurys, and to enlarge the fine upon their neglects of attending to five pounds, which was formerly but forty shillings. I confess here now comes a clause in this Act, which seems extraordinary, and is a power not practiced in Westminster Hall, that jurors shall be oblig'd (if the Council on both sides consent) to find a special verdict under pain of fine and imprisonment. But I conceive the two Houses were moved to find out this extraordinary remedy from the very great obstinacy they had observed frequently in jurors here, who contrary to the Judge's directions, and even request, wou'd often find an issue generally, altho' it rested on one or more intricate points of law, which the Jury cou'd not be presum'd to understand, nor were oblig'd to judge of, that by such general verdict the party griev'd is barr'd of having his right determin'd by them whose province it is, or of appealing upon the merits of his cause, to His Sacred Majesty in Council, which is the most certain resource the subject has of Justice. The remedy of attainting jurys if they mistake the law is uncertain and cannot well be practis'd here. This law gives a power to the Lt. Governour or President with the Council to hear appeals; formerly a substitution to them was necessary, which was often subject to delays and put the party to great expence. The method of suing for negroes by writ of replevin was very inconvenient and it is taken away by this Act. The interest of mony and the damage upon protested bills of exchange is reduced to a certainty, and several lesser alterations are made by this law, the reason whereof appear at first view to the reader *etc.* No. 2 is an Act to prevent abuses committed in the importation of wheat, flower and bottled liquors. The reason of passing this Act, is to prevent the imposition of the importers of flower from the British Colonies of America; the inhabitants when bought by the barril, paid for 200 weight, whereas it fraudulently contain'd but 150 weight,

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which is provided against by this Act. The like deceit was likewise used by the importers of bottled liquors, especially by such as came from Bristol, from whence the greatest quantities are imported, and is provided against by this Act, which ascertains the measure. No. 3 is the tax Act for St. Christophers, which being without any variation from the usual tax acts, I presume wants no explanation. *Signed*, Jo. Hart. *Endorsed*, Recd. 21st Sept., Read 1st Oct., 1724. 7 pp. [C.O. 152, 14. ff. 298-301v.]

July 10.
St.
Christophers.

254. *Same to Same. Encloses Act of St. Christophers for settling £300 current money on Lt. Governor William Mathew for house-rent. Continues:* Mr. Mathew has always acted with great zeal for H.M. service, and very assiduous in his duty as Lt.-General, and by his indefatigable industry is a great means of putting the Island of St. Christophers into the best condition of defence of any in this Government, both as to the regulation of the militia, and by the erecting so many fortifications; particularly of that noble work on Brimstone Hill *etc.* I can truly say that for the honour of H.M. service, he does not expend less from his private fortune besides his appointments than £1000 per annum, so excessive are the prices of all the necessaries here *etc.* *Signed*, Jo. Hart. *Endorsed*, Recd. Read 4th Jan., 172 $\frac{1}{2}$. 2 pp. [C.O. 152, 15. ff. 1, 1v., 2v.]

July 10.
St.
Christophers.

255. *Same to the Duke of Newcastle. Congratulates him on his appointment, and, according to his Instructions lays before him a state of the several islands under his Government, in the form of answers to queries from the Council of Trade. Continues:*—Your Grace may please to observe in this state, of what importance the Colonies in the Leeward Islands are with regard to their principal Great Britain; both in respect to the consumption of vast quantities of British manufactures therein, and the great encouragement it gives to Trade and Navigation, and as they furnish large sums to H.M. Revenue. At the same time your Grace has a faithful view of our fort and our foible, with respect to the numbers of our Militia, the strength of our forts and fortifications, as also the strength of our neighbouring islands inhabited by the subjects of foreign princes and states; as those of Martinique and Guardeloupe by the French, that of Porto Rico by the Spaniards; St. Thomas and St. Johns by the Danes, and St. Eustatia and Saba by the Dutch. Of which I humbly beg leave to represent that the French in Martinique and Guardeloupe are in case of a war the most formidable, both from their advantageous situation and numbers; But as H.M., in his great wisdom, cultivates the arts of peace, these islands enjoy all the affluence of peace and plenty: and in time of war, H.M. being Master of the seas, I am humbly of opinion there is not much reason to be appre-

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hensive of danger from that quarter, if there are no more than three ships of war appointed on this station. I humbly beg leave to represent to your Grace that the subjects of the King of Denmark having sometime, before my arrival here, possess'd themselves of the Island of St. Johns within my Government ; and refused to evacuate the same on my asserting H.M. right and title to it ; *refers to his letters to Lord Carteret and the Council of Trade enclosed. v. 12th July. Continues :—* I humbly submit it to your Grace's superior judgment, whether the Danes, if permitted to possess the Island of St. Johns in this manner, will not have the same pretensions to the Islands of Sta. Cruix and Crab Island, which two islands are capable of making as much sugar as Barbados and the Leeward Islands together, to the destruction of that valuable trade to Great Britain. *Repeats part of July 12 relating to St. John's and asks for his Grace's patronage and protection etc. Signed, Jo. Hart. Endorsed, Rd. Sept. 11. 5 pp. Enclosed,*

255. i. Duplicates of No. 260. i, ii, iii, viii. [C.O. 152, 42. Nos. 132–135.]

July 10.
Montserrat.

256. Lt. Gov. George to Mr. Stanyan. *Encloses letter to the Duke of Newcastle and begs him to second the request he makes etc. Continues :—*If you can get those two persons removed [*from the Council*] it will be of great service to me, and what fees of offices there are, I shall write to Kingsmill Eyres Esqr. to pay *etc. Continues : I have my father (a man of some fortune in whales (sic)) who is very ancient has no other children but myself, nor have I any freinds about him to take care of my interest in case he should dye, for which reason I would beg the favour of you to obtain a generall leave (I think they call it so) to be absent from my Government, from the time of my having occasion to leave the same, which I give you my word I will not doe but upon account being sent me of such an accident, or of any complaint or misrepresentations that may at any time be exhibited against me, for the people of these parts are so fickle in their tempers that one is scarcely ever safe, or if there should be a misunderstanding between His Excellency (who is a very good man and I hope it will never hapen so) and I, he doubtless would refuse me lycence of absence to manage my affairs as above, or to clear myself in person at home, in case of falce accusations ; for at this distance it would be too late perhaps at that time (when I should have such information of any kind) to send to England for leave, but the having it by me (as Lt. Genl. Mathew Governor of St. Christophers has) would be of vast servicess to me ; for I have very good reason to beleive Lt. Genl. Mathew does not wish me very well, and to be sure will oppose my interest here, or any favour I might ask of H.E. I have one or two more reasons etc. The first is in case a man should be seised with an indisposition not*

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curable here (for our physicians have but little more knowledge than a barber chirurgion in England) and the second, suppose a good card should turn up trumps for me, such as a good widdow with much cash, then I should be desirous to make the best of my way for England to make interest for the disposall of my Governmt., (as Majr. Talmash did) and with an addition to the produce thereof make interest to purchase some majority of dragoons or Lt. Coll. of foot, whereas, if I have not this leave by me, I must be obliged to wait six months (if not more) *etc.* Signed, Paul George. Endorsed, Rd. Sept. 16th. Holograph. 3 pp. Enclosed,

256. i. Same to the Duke of Newcastle. Montserrat, July 10th, 1724. *Congratulates* him on his appointment, *etc.* *Continues*: The whole perquisites (or *le tour du bâton*) of the Governor of this small Island doth not amount to 40 pistoles pr. annum. I formerly imagin'd that West India Governours were petty kings, but I find it very much to the contrary at present, being among a set of people who are one half Roman Catholics, and near the other half Jacobites; after this my Lord I leave your Grace to imagine how wellcome I am amongst them (*comme un chien dans un jeu de quille*), they always allow'd the Governour of that Island £200 sterl. pr. ann. out of the public stock, and they have voted me nothing: I have proposed in Council several amendments to their old acts to be made, which I am confident would very much contribute to H.M. interest, the good of the poorer inhabitants and the benefit of the traders; but when anything of this nature is put to the vote, it passes in the negative, four to one at least, and often six; so that till I can be happy enough to obtain of yor. Grace for the removal of a couple of these Councillors, it will be impossible for me ever to support H.M. authority, the interest of trade, the relief of the poor inhabitants and the defence of the Island, the latter of which is intirely defenceless, by all their fortifications being out of repair, nor will they come into any measures (notwithstanding all the repeated instances I have made use off), in order to their raising a fund, which would enable them to fortify the Island against the attempts that may be made to the prejudice of H.M. subjects here; and I think the persons who ought to vote most for what I have above mention'd should be such as have posts in the Government, which happens to be quite contrary here; for the Collector of this Island being appointed long since one of the Council (a procedure intirely unprecedented and never practis'd before in these parts) who opposes me in everything

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I offer in Council, for which reason I would begg the favour of yor. Grace to give directions that he might be remov'd from the Council, and to procure a mandamus for one Charles Dayly Esqr. to serve in his room, who is a gentleman of honour and estate, and has a regard for this present happy establishment: there is also one person more in the Council I would intercede might be removed, he being the mouthpiece and director of all such who opposes whatever is moved by me, or those in my interest, his name is Anthony Hodges; I should be thankfull if in his room one William Hynes Esq. could be named; the removal of these two members would intirely be a means for all buisiness to go on glib, and for the good of the poorer sort of people who ought to be supported, otherwise they would soon leave such a small island as this is destituted of inhabitants; this Island has been for several years past without a Governour on the spot, so that the then President (and Council which was made up mostly of his relations) never minded to make any laws or acts that might be beneficial to the poor and encourage their coming to settle there; but to the contrary, the richer people (very arbitrary in these parts) acted with such a high hand over the others that those who they could not drive off of the Island, yet they us'd them so, that they were oblig'd to quit and dispose of their small habitations for one quarter of their value. I hope yor. Grace will make no question of the truth of what I have herein inserted, since I can assure yor. Grace that in 1712 there was on this Island 1500 fighting men, and upon my honr. my Lord there is not at present 250, which is a convincing proof that it is highly necessary some alterations should be made in the Council, before it is possible that any wholesom law can be obtain'd for the encouragemt. of people to come and settle amongst us *etc.* *Asks for a general leave of absence, as in preceding.* *Signed and endorsed as preceding.* 2 pp. [C.O. 152, 42. Nos. 137-139.]

July 10. **257.** Lt. Governor Drysdale to Lord Carteret. *Takes the Wmsburgh. opportunity* of the return of the London ships to transmit journals and public papers for last year, *etc.* *Continues:*—I account it a particular happyness that such is the present quiet state of this Colony, that there is nothing therein, which requires my giving your Lordssp. any trouble. It was with great satisfaction, that I received some days before, the honour of your Ldspps. comands in favour of Mr. Garcia the Spanish

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clergyman. I have placed him in a benefice, wch. hee seem'd most fond off *etc.* *Signed*, Hugh Drysdale. *Holograph.* 2 pp. *Enclosed*,

257. i. Proclamations by Lt. Governor Drysdale (a) 16th April, proroguing the Assembly to 9th July; (b) 6th May, prohibiting the export of corn until 1st August, in view of the badness of last years crop of corn and the great export already made thereof, *etc.*, (c) 10th June, proroguing the Assembly till 12th Nov. *Signed*, Hugh Drysdale. *Copy.* 2½ pp. [C.O. 5, 1337. Nos. 27, 27. i.]

July 10.
Wmsburgh
in Virginia.

258. Lt. Governor Drysdale to the Council of Trade and Plantations. *Encloses* Journal of Council and public papers. *Refers to* letter of 8th June and the opinion of the Council, entered in the journal of 23rd April, that the limiting the quantity of land to be taken up in either of the two new counties is prejudicial to H.M. interest, and a discouragement to the speedy settlement of that part *etc.* *Continues* :—I pray your Ldspps. favour in interceding with H.M. to remove that restriction *etc.* In the same day's minutes, your Ldspps. will observe that the Governour of North Carolina, has renew'd his instances for appointing Commrs. on the part of Virginia to lay out the boundaries *etc.* I had the honour some time since to inform your Ldspps. how earnestly H.M. pleasure was desired on the proposall agreed on by both Governments in 1715: but Mr. Burrington letting mee know how that since the Proprietors have approved of that project, he can no longer resist the importunities of the people of his Government, who are impatient to runn that line, whether I concur in itt or nott. I must intreat your Ldspps. will be pleased to forward to mee such powers, as may enable mee either to joyn in a finall determination of those boundaries, or to oppose any partiall attempts of Carolina to establish their own bounds, without H.M. permission: I am sensible the delaying that settlement is prejudicial to H.M. revenues, since by that means a large tract of land lies wast, which otherwise would be soon taken upp, and cultivated. *Encloses* revenue accounts. *Continues* :—As the balance by the quit-rents has been much increased by reviving the antient method of sale of the quit-rent tobacco, so that of the 2s. pr. hhd. has received a considerable addition, by the taking upp great quantities of land, which has occasioned a large demand of the treasury rights. And since both these revenues have so great a dependance on the price and quantity of tobacco, I take leave here to mention to your Ldspps. the present apprehensions of a small cropp this year, it proceeding from a long continuance of a very dry season, which has prevented the planting those quantities of plants the late law allows. In the Journal of 2nd May, there is the case of one

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Mr. Pearson, master of the shipp *Globe*, of Whitehaven, who being questioned for importing from Dublin some wrought iron, which was alledged to be contrary to the Act of K. Charles II *etc.*, this matter being examined before mee in Councell, appeared to bee thus ; that a merchant interested in the cargoe of the *Globe* had bought upp at Bristoll this quantity of wrought iron, and finding no opportunity to shipp itt to Whitehaven, sent itt over to Dublin, to lye ready against the time the *Globe* should touch there, where she was to victuall for her voyage to Virga., and this appeared as well from the master's affidavit as from a cocqt. under the hands of the Custom house officers in Dublin : upon which the Councell unanimously declared their opinion for discharging the master from prosecution : But because some have made itt a question, whether Brittish manufactures transported once to Ireland, may bee shipp'd from thence the Plantations by the strict letter of the above Act : it is likewise urg'd, that such a practise might give countenance to the fraudulent shipping of Irish manufactures instead of English : I have taken the liberty to represent this matter to your Ldspps. (as I have to the Commissrs. of the Customs) that I may thereupon receive such directions, as may leave no room to give trouble to fair traders, nor allow a liberty to fraudulent practises : I perceive this case is so very new here, that no officer in this Government has known any instance of such an importation till this. Amongst the Acts transmitted last session of Assembly there is one for dissolving the parish of Wilmington, which had its rise from the application of the people of that and some other adjacent parishes, and was passed after a full hearing of all parties concerned : but it seemes the minister not contented with the favour of suspending that act for near two years, that I may have an opportunity of presenting him to a living of equall if not better value (which has since happened) has, as I am informed, gott subscriptions to a petition to bee presented to H.M. for repealing that act ; for which proceeding I know no other reason than his own private discontented humour : Among the many substantiall reasons which induced the Assembly to pass this act, I shall onely mention a few, which I hope will bee sufficient to preserve itt in your Ldspps. favour, and these are, that by itt, above three fourths of the inhabitants will bee now nearer church than they were before, that they will now have sermons ev'ry Sunday, whereas before they had one onely in 3 weeks : many of them will bee exempted from the trouble and charge of crossing a large river to goe to Church ; their parish charges will bee considerably less, and an adjacent parish which was not able to support a minister is by this act enlarg'd, and capable of allowing their minister the legall salary : and that these advantages to so many people, must all give place, to the humour or interest of one man, I beleive your Ldspps. will not

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think reasonable ; nor that any representations on his behalf, will have any weight with H.M. when the truth of the case shall be fairly stated by your Ldspps. I doe assure your Ldspps. I have no other view in the support of this law, than a just regard to the ease and conveniency of the people, and that I think itt will bee a bad precedent, if encouragement should be given to private persons to arraign, what the wisdom of the legislators have acted for the publick good *etc.* Having hitherto received no comands from H.M., to make the convening the Assembly necessary, I have prorogued itt to the 12th of Novr. I shall conclude this letter with the unfortunate account of the taking of 3 of our shippes off the Capes on the 5th and 6th of June last, by a Spanish garde de costa, as he pretends himself *etc.* *Refers to enclosed affidavits. Signed, Hugh Drysdale. Endorsed, Recd. 15th Sept., 1724, Read 26th Aug., 1725. Holograph. 5 pp. Enclosed,*

258. i. Account of H.M. Revenue of 2s. per hhd., 25th Oct. 1723–25th April, 1724. *Totals :—Receipts* (including balance brought forward) of £3890 11s. 2½d., £5,308 6s. 2¼d. *Expenditure : £1724 17s. 0½d. Signed and sworn to in Council, John Grymes, Recr. Genll. Audited by Nathll. Harrison, Depty. Audr. 2 pp.*

258. ii. Account of H.M. Revenue of Quit-rents, 25th April 1723–1724. *Totals :—Receipts* (including balance brought forward of £3294 9s. 6½d.) £5672 0s. 4¾d. *Expenditure, £1309 3s. 7d. Signed and audited as preceding. Nos. i and ii. Endorsed, Recd. 15th Sept., 1724. 4 pp.*

258. iii. Duplicate of Encl. No. i preceding.

258. iv. Deposition of John Jones, sole owner of the ship *John and Mary*, bound from Africa to Virginia, with 175 negroes. 13th June, 1724. On June 5th, off Cape Charles, after parting company with H.M.S. *Enterprize*, “a ship came up with deponent and saluted him with the surprizing command of God damn you strike you English doggs, strike ; which was the more unexpected because the said ship all along had English colours flying.” The pirates made deponent and his four men prisoners, and took possession of his ship, and two hours later captured a Boston vessel, one Mousell master, bound into Virginia with West India goods. Next day the pirate captured a ship of Topsham, Capt. Beere, laden with dry goods for Rappahanock. This ship was also taken as the former under English colours. After plundering his ship, the pirate sailed away upon the approach of a sail and deponent made his way to Virginia. Deponent was told by divers English and Irish belonging to the crew that the ship was the *St. Francis de la Vela*, fitted out at

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Cuba, and that the Commander, Seignior Don Benito, had a commission from the Governor of Cuba. She had 6 great guns mounted and upwards of 90 men, most Spaniards *etc.* *Signed*, John Jones. *Endorsed*, Recd. 15th Sept., 1724. $2\frac{1}{4}$ pp.

258. v. Deposition of Thomas Mousell, master of the brigantine *Prudent Hannah* of Boston. 12th June, 1724. *Confirms* preceding, with further details of the crew. Was informed that the Spanish ship belonged to the Governor of Cuba who had hired it to Don Benito *etc.*, and had taken two brigs belonging to Boston *etc.* *Signed*, Thos. Mousell. $2\frac{1}{4}$ pp.

258. vi. Deposition of Theodore Bere, Master of the *Godolphin* of Topsham [?12] June, 1724. *Confirms* preceding. *Signed*, Theodore Bere. $1\frac{3}{4}$ pp. [C.O. 5, 1319. ff. 199–204v., 205v.–211v.]

July 11. 259. H.M. Warrant to Governor Shute for admitting
Kensington. Jotham Odiorne to the Council of New Hampshire. *Counter-*
signed, Holles Newcastle. *Copy*. [C.O. 324, 35. p. 74.]

July 12. 260. Governor Hart to the Council of Trade and Planta-
St. tions. I had the honour to acquaint your Lordships of the
Christophers. 16th of May of my intended voyage to the Leeward Virgin
Islands of this Government, which I accomplish'd in little more
than three weeks, not without a great deal of danger in loosing
the ship on the shoals there, but had the good fortune to return
in safety to this Island, and brought up six French men with
me, whom I gave passage to Martinique, and sent fourteen
more, whilst I was at Leeward, from Tartola to St. Thomas's,
at their own request; all of them belong'd to a French garde
coste that the pirates had lately taken off of Martinique, and
after they had burnt the sloop these persons belong'd to, they
sett them on shore on the Island of Sta. Cruix to shift for them-
selves in that uninhabited place. The first Island that I visited
was Anguilla, which I found to be a poor and barren place, and
the inhabitants in their houses cloathing and diet, bore all the
marks of poverty, nor is it capable of any further improvement.
The like may be said of Spanish Town, and upon inquiry how
they came to settle those miserable islands, I found that the
first inhabitants were such as had fled from Barbadoes, and
the greater islands of this Government for debt, or to avoid
the punishment of their crimes, and have since been increased
by pirates, who have come in upon acts of Grace, and are married
and settled there, whose posterity not knowing the world,
remain there and cultivate the ground for a wretched subsist-
ance; and yet on my arrival amongst them, I found a very
fierce contention for property, and they having no form for
Justice, I appointed six Justices of the peace, a Secretary and

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Provost Marshall, and have given Commissions to Officers of the Militia, to put them under some military discipline. Altho' I cou'd gett no possitive proof that the inhabitants of these Virgin Islands (especially at Tartola and Spanish Town) aid and assist the pirates, who frequently come amongst them; Yet there is a strong presumption, that they hold correspondence with them, and furnish them with provisions, which I shall endeavour to prevent for the future. The two largest of the Virgin Islands, St. Thomas and St. Johns, which have the richest soil and best harbours, are possessed by the subjects of the King of Denmark; This in my humble opinion is an incroachment upon H.M. Dominions, which I have taken the liberty to mention at large in my answer to your Lordships' twelfth Querie *etc.* *Refers to encl. i.* The present Governour [*of St. Thomas*] Mounsr. Thambsen, having answer'd my letter in the Danish language, which no person here can translate, I take the liberty of sending you the original for your Lordships' information. The Island of St. Johns having so safe and capacious a harbour, and so conveniently situated in case of a war, for the protection of the Jamaica trade and gives such advantages over that of the Spanish French to the West Indies, which of necessity from the Trade winds must go near that port; that I think it my duty to represent it, as a place of very great importance to H.M. Permit me, My Lords, to say, from my zeal for H.M. service, that I hope whilst he gloriously holds the ballance of Europe in an equal hand, no foreign Prince will be suffer'd in this manner to possess any part of his Dominions, how remote soever from Great Britain. I humbly recommend this matter to your Lordships' consideration and hope you will lay it before H.M., that I may have the honour of receiving his commnads thereon, which if they may be for my repossessing the aforesaid Island of St. Johns; I can assure your Lordships, it will be easily done, without any expence to the Crown, only with the assistance of the men of war on this station, and two or three Companys of the Regiment, under the command of Colonel Lucas, in this Government. As to the inhabitants of St. John's they have given me secret and strong assurances, that when ever I appear with a force to protect them, they will all become leige men to H.M., and as to the fort, it is only garrison'd by thirty men, so that they wou'd be easily reduc'd. *Refers to inclosed answer to their Queries. (v. Encl. viii.) Continues:—*Tho' some of those answers are in the stile of a letter, yet as it is to render the state of these Islands more compleat at one view, I hope the method will not be unacceptable, and that the whole will find your favourable approbation *etc.* A sloop belonging to His Grace the Duke of Montagu, was sent down to Crab Island to cut wood; and ten of the crew being sent ashore for that purpose, the Spaniards from Porto Rico fell upon them and wounded some, and all the ten being taken

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were carry'd prisoners to that Island ; But the Governor there disavowing the action, as done without his orders, has sent me up two of the before mention'd men ; I have demanded the remainder, but as they are loose and vagrant persons, and servants for term of years, I am apprehensive they will be perverted to the Romish religion, and in such case, the priests protect them beyond recovery. *Encloses Minutes of Council and Assembly of Nevis, "together with their Addresses to me, relating to a dispute between them, on the Council's denying the Assembly a Conference upon a tax bill ; upon which the Assembly contrary to H.M. commands in my Commission, adjourn'd themselves from day to day, without taking any notice of the President and Council. Upon weighing this matter, I found the Council made a dangerous step by denying a conference, and the Assembly advanced beyond their duty in presuming to adjourn themselves in the manner they did. To allay these unreasonable resentments on both sides ; I thought it advisable to dissolve the Assembly, and at the same time to give my sentiments of the misconduct on both sides in a letter to the President and Council" etc. Refers to enclosure. Continues :—*As the Island of Nevis has but very few inhabitants upon it, and those so contentious in their nature, I am in duty bound once more to represent to your Lordships, that I know of no means so effectual to make them more dutifull to H.M., beneficial to trade, and to promote their own good, than joyning the Council and Assembly of that Island, with the good people of this of St. Christophers, whose peaceable and industrious dispositions, wou'd happily qualify the others distemper'd humours. I have issued writs for the election of a new Assembly at Nevis to meet on the 20th instant. I have not further to observe to your Lordships, than that the effects of the several hurricanes last year, has made the crops of sugar very short in all these Islands. But the seasons are now so favourable that there are prospects of great increase next year, provided they have not the misfortune of another hurricane this season. *Signed, Jo. Hart. Endorsed, Recd. 21st Sept., Read 1st Oct., 1724. 7 pp. Enclosed,*

260. i. Governor Hart to Lord Carteret. St. Christophers, 24th May, 1722. [Pursuant to my 84th Instruction for asserting H.M. right to the Virgin Islands] immediately upon my arrival on the Island of St. Christophers I made enquiry whether the subjects of any foreign State had possessed themselves of any of the Virgin Islands within this Government, and found that the subjects of the King of Denmark, under the command of his Governour of the Island of St. Thomas had settled several families on the Island of St. John's about four years past, and had erected a fort at the entrance of the harbour, and fortified a

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considerable town at the upper end of the Bay commonly called Crawley Bay, the draft of which is here represented to your Lordship. H.M.S. the *Hector* under the command of Capt. Brand going in quest of the pyrates among the Virgin Islands upon advice that I had given him of their being there; I laid hold of that occasion to write to the Governour of St. Thomas for the King of Denmark, to reclaim the Island of St. Johns *etc.* *Refers to enclosures ii. and iii.* Your Lordship will find by that letter that he refuses to withdraw the subjects of the King of Denmark from St. Johns, and as I am commanded by my Instructions to inform H.M. with all convenient speed in such an event, so I only wait H.M. commands before I proceed further. But if it should be H.M. pleasure that I should dispossess the Danes by force I am perswaded it may be done without any charge to H.M., by the assistance of his troops that are here, the men of war on this station and the rest of the Expedition will be effected at the charge of the inhabitants of these Islands who show a very chearfull disposition towards it. The Island of St. Johns lyes in the latitude $17\frac{1}{2}$ and is about 7 leagues long 30 leagues to the N.W. of St. Christophers and as your Lordship may perceive by the draft has the finest harbour in the West Indies, and the only one besides (in possession of the English) from Antigua to Porto Rico is that of St. Thomas also in possession of the Danes, which if they are permitted to retain, all our trade to Jamaica and all our homeward bound trade from the Leeward Islands have no place of safety to put into in case of stress of weather or any other danger. In time of war the Dane[s] act as neuter in these seas and receive the ships of all foreign Nations, by which means our trade was greatly annoyed during the late war by St. Thomas's being a free port. The King of Denmark has no right nor pretention to the Island of St. Thomas's and St. John's but by permission of the Crown of Great Britain, and I cannot help observing that they were ever suffered at all to settle at St. Thomas's, but that their taking possession in that manner of the Island of St. John's is a matter of so great consequence that I am surprized the Ministry were not earlier inform'd of it, for in my humble opinion these two Islands are of as great moment for the preservation of the West India trade as the town of Gibraltar and Port Mahon are to that of the Levant. Should the Danes be permitted to keep possession a much longer time (which would give them a better title) I am jealous for the

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honour of Great Britain that either of these Islands or both might be sold either to the French or Dutch, which in case of a war with either would greatly distress our trade to the West Indies, and of what consequence that is to Great Britain your Lordship is so well inform'd that I need not enlarge on that subject. In the whole I must humbly, but earnestly beg that your Lordship will take this into your consideration for that I am apprehensive that upon the demand I have made the Dane knowing the consequence of the Island of St. Johns will fortifye it so as to make it an expensive undertaking to reduce it; But if I have the good fortune to be honoured with H.M. commands to reduce it soon, I can promise your Lordship to effect it without any considerable loss. *Signed, John Hart. Endorsed, Reed. 21st Sept., 1724. Copy. 6 pp.*

260. ii. Governor Hart to the [late] Governor of St. Thomas. St. Christophers, 1st May, 1722. *Calls upon him* instantly to withdraw the subjects of the King of Denmark who have settled on the Island of St. Johns de Porto Rico and erected a fortification thereon, the said Island undoubtedly appertaining to the Crown of Great Britain, and to restore it peaceably into the possession of Ellis Brand, Esq., Commander of H.M.S. *Hector*. "In case of your refusall, I am not to be answerable for the consequences. Having it further in command from His Britanick Majesty to signifye to you that the King of Denmark hath no right to St. Thomas's itself," etc. *Signed, John Hart. Same endorsement. 2 pp.*

260. iii. Governor Hart to Otto Jacob Thambsen (Thombsen) Governor of St. Thomas. Spanish Town, 6th June, 1724. *After compliments, continues*:—Your predecessor has entered upon the Island of St. Johns and fortified it and settled the same and detains it in a hostile manner notwithstanding he was advised to the contrary by me etc. *Demands* its immediate evacuation etc. *as in preceding. Signed, John Hart. Same endorsement. 2 $\frac{3}{4}$ pp.*

260. iv. Governor of St. Thomas to Governor Hart. St. Thomas, 23rd May, (N.S.) 1722. Since my first arrival here, I regret to learn that Alexander Langdon has landed on Crab Island, by your Excellency's Orders, to take possession thereof, against which (taking the opportunity of the sd. Langdon's being in this harbour on his voyage thither) I have in the strongest manner protested, because of the pretension wch. my most gracious King has, from the first settlement of St,

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Thomas, to Crab Island and other Islands adjacent to St. Thomas. On which occasion I warned him in the most friendly manner to desist voluntarily from his intention in order to cause no breach of the friendship between the two Crowns *etc.* And since I understand that he has persisted in his undertaking, and has at this time possessed himself of Crab Island and planted thereon the flag of England, contrary to all the rights which my King has granted to my Lords and Masters, the Danish Company *etc.*, I hope your Excellency will recall the order given to him and let drop all pretensions to Crab Island *etc.* *Signed, O. J. Thambsen. Danish. 2 $\frac{3}{4}$ pp.*

260. v. Translation of preceding. *4 $\frac{3}{4}$ pp.*

260. vi. *Same to Same.* St. Thomas, 25th June, (N.S.) 1724. *Acknowledges* letter of 6th June. *Continues:* As to what you write concerning St. Johns, the King my Master has the same pretension to that Island as to St. Thomas and I am ordered to defend the same to the utmost of my power *etc.* *Signed as preceding. Danish. 2 $\frac{1}{2}$ pp.*

260. vii. Translation of preceding. *3 pp.* Nos. iv-vii., *endorsed*, Recd. 21st Sept., 1724.

260. viii. Governor Hart's replies to Queries by the Board of Trade (v. 27th March). (i) The trade of the Leeward Islands, particularly Antegoa, St. Christophers, Mountserratt, and Nevis consists principally in sugar, rum, molosses, cotton, ginger, and a small quantity of indigo, which agreeable to the Acts of trade are for the most part transported for Great Britain, except the greater quantity of their rum, and molosses, which is vended at the Brittish Plantations in North America. What indigo is made at Mountserratt, is by a clandestine trade sold to the French and carried off to Guardeloupe. I know of no shipping that particularly belongs to the inhabitants of these Islands, tho' several of them do hold parts of ships; for the commodities mentioned are exported in ships the merchants send for consignments or in ships sent purposely for freight, of which great numbers come from New England, where they are built and afterwards exposed to sale in Great Britain. There are great numbers of sloops belonging to these Islands, which are sailed by the inhabitants. The best computation that can be made of the tonnage according to the register of all ships and vessels entering and clearing at the respective Custom Houses for seven years is per ann. at Antegoa, 9,000 tons; St. Christophers, 6000; Nevis, 4,000; Mountserratt, 2500. The Islands of Anguilla, Spanish

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Town, and Tartola have no trade nor shipping from Great Britain, nor no officers of the Customs amongst them. They have a few sloops of their own of small burthen. The manufacturies of these three Islands are sugar, molosses and cotton, of which they produce but very small quantities and those they generally dispose of to the Dutch at St. Eustatia, and the Danes at St. Thomas's for what necessarys they want, which are very triffling, the inhabitants living in a very poor condition. (ii) The British manufactures imported into these Islands, is computed at a medium of seven years to amount to £150,000 sterl. per ann., exclusive of beef, butter, pork, herrings, salmon and linnen from Ireland, which amounts to about £40,000 sterling per ann. The sorts of British manufactures are all manner of wareing apparell, linnens, household furniture, wrought plate, coppers, stills, iron and brass for their sugar and rum works, cottons for cloathing of negroes, all sorts of saddlers, cutlers and stationary wares, wines, beer, biscuit, pork, herrings, candles, soap, double refined sugar, cordage, canvas; in a word almost all the necessarys of life (these Islands affording very little within themselves for subsistance of the inhabitants) so that the British and Irish manufactures abovementioned are bartered in exchange for those of the growth here at 220 pounds this money (which is $\frac{1}{3}$ rd worse than sterling) for £100 prime cost in Great Britain and Ireland, out of which the merchant is to deduct his charges of freight *etc.* which is esteemed to be 10 per cent. (iii) The inhabitants have a considerable trade for mules to Curasso, and to La Guiara on the coast of Caracos upon the Spanish Continent, which they exchange for flower and other provisions with the Spaniards, to the very great hazard of loosing both their vessels and liberty; for if the Spaniards can master them (it being a clandestine trade) they make prize of their vessels and often send their persons to the mines. But as these voyages are very proffitable, and necessary for carrying on the sugar works by cattle mills, there are no want of adventurers. The inhabitants have very frequent trade with the French upon Martinique and Guardeloupe, where they carry provisions and often purchase the French sugars which are transported to Great Britain in British bottoms as the produce of H.M. Plantations, so that H.M. looseth the double dutys laid on foreign sugars to the great prejudice of the Revenue. The Island of St. Eustatia situated within two league of St. Christophers,

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is a barren spot of about 5 English miles in length belonging to the Dutch West India Company (where they have a factory) who annually send theither from 2 to 3000 negroes, the greatest part of which are disposed off to the French of Martinique and Guadeloupe ; but the inhabitants of these Islands do trade with them for negroes and other merchandize, which they pay for in sugars or ready money, (the Dutch factors refusing bills of exchange) and these sugars are clandestinely sent them in the night, to the diminution of H.M. Revenue and the British Navigation. The inhabitants do likewise trade to Madeira for wines, for which the greatest part is paid in bills of exchange to London, or exchanged for negroes and provisions. They also trade to the coast of Africa for negroes, having small cargoes from Great Britain. But the most profitable commodity sent thither is rum from these Islands, which is sold on the coast for 5*s*. sterling per gallon, tho' the first cost is not one shilling. There are some merchants here, who, after they have sent their sugars to Great Britain, order their ships to Holland and freight them there for these parts, first touching at and entering in some of the outports of Great Britain and then proceed with their cargoes to these Islands ; and tho' there has been no material discoveries of an unfare way of tradeing, yet there is great grounds for suspicion that clandestine methods are used both in their exports and imports. I know of no other trade the inhabitants carry on to any other part of Europe, except Great Britain and Ireland. (iv) To prevent illegal trade, there is a Surveyor General of the Customs, and under him in Antegoa, a Collector, Comptroller, Searcher, and eight waiters. At St. Christophers, a Collector, Comptroler and four waiters, at Mountserratt a Collector and one waiter, at Nevis, a Collector and two waiters besides a Naval Officer in each Island. But notwithstanding these numbers of Officers, there is much clandestine trade carry'd on, there being so many landing places in all these Islands, and the officers of the Customs unprovided with sloops, or smacks to prevent the same. All which I have represented to H.M. Commissioners of Customs, and do not doubt upon your Lordships' recommendation, that honourable Board will apply speedy and proper remedies to this great and growing evil. (v.) The natural produce of these Islands are sugar, rum, molasses, cotton, ginger and a small quantity of indigo, which, when made up for a market, are the only manufactures of these Islands. These islands also

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produce great quantities of Indian, and Guinea corn, casada, potatoes, and other roots and plants, which serve for provisions for the poorer sort of people and negroes. (vi) There are not any mines in the four largest Islands; but in the Virgin Islands particularly at Tartola and Spanish Town, there has been lately discover'd some veins of copper. But for want of persons skilled in minerals, the value of them is not yet known, but supposed to be very considerable. I have taken the liberty to send your Lordships some peices that have been lately wash'd from the mountains, which, if your Lordships please to have an assay made thereof and think fit to open these mines, I shall very readily obey your commands. (vii) The annual produce of these Islands for exportation at a medium of seven years past, of which no true value can be made, because the price depends upon a foreign market is vizt.

	hhds. sugar	hhds. rum	hhds. molasses	lb. cotton	lb. ginger	lb. indigo
Antegoa ..	12,000	4,000	850	200,000	200,000	
St. Christophers	8,000	300	2,000	40,000		
Nevis ..	5,000	150	1,500	20,000		
Mountserrat	2,500	50	800	25,000		10,000

(viii) The number of inhabitants according to the nearest computation :—

	Whites.	Blacks.
Antegoa ...	5,200	19,800
St. Christophers ...	4,000	11,500
Nevis ...	1,100	6,000
Mountserrat ...	1,000	4,400
Anguilla ...	360	900
Spanish Town ...	340	650
Tartola ...	420	780
	12,420	44,030

(ix) The inhabitants of Antegoa are at present much the same in numbers, as they have been for many years past; the inhabitants of St. Christophers are of late very much increased, since the acquisition of the French lands. Most of the people who have settled the said French lands came from Nevis and Mountserrat, which is the reason that these two last are decreased in their numbers for 7 years past. (x) The number of the Militia are, Antegoa, 1400; St. Christophers, 1200; Nevis, 300; Mountserrat, 350; Anguilla, 85; Spanish Town, 78; Tartola, 100. *Total*, 3,513. (xi) Antegoa has been at a very great expence in erecting of forts and fortifications, tho' I

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cannot say they are in a condition to resist an enemy, who could land 3000 men. The principal fortification of that Island is Monks Hill, which is very strong by nature, being situated on a very high hill and contains about 8 acres of ground within a wall; having four large bastians with peices of cannon mounted thereon, with large and convenient cisterns of water, a very good magazine, containing about 800 arms in good order, and warlike stores in proportion; this fort is principally intended as a reception for the women and children and best effects of the inhabitants, in case of a sudden invasion, being not pregnable but by a formal seige. As Antegoa has more harbours and landing places than any of the other Islands, necessity has obliged the inhabitants to erect forts and batteries on them for their preservation. St. John's being a place of the greatest trade and most convenient harbour, has a fort erected at the mouth of it with 14 peices of cannon and within a mile is Fort Hamilton, which is but a battery of six cannon. Fort Byam near Parham 7 cannon; Willoughby Bay a battery, 5 cannon; Half Moon Bay a battery, 3 cannon; Falmouth Fort, 11 cannon; Old Road Battery, 9 cannon; Pearn's Point, 3 cannon without works. In St. Christophers is Brimstone Hill an eminence that rises in the form of a sugar loaf, accessible only in one place, by a difficult passage of six feet wide, and is crowned at the top with a noble fortification, which contains 42 acres of land, and has 42 large cannon mounted, with a magazine with 400 small arms and well supplied with all necessarys for its defence, and has two large cisterns of water. This fortification is intended as a recepticle for the women and children, and most valuable effects of the inhabitants in case of sudden invasion, and is the compleatest work of the kind in the West Indies. At the foot of Brimstone Hill is scituated Charles Fort, joyning to the sea, which is the first that was built in this Island by the English; it contains about 2 acres of ground within the walls and is fortified with two large bastians, has 27 cannon mounted, and 3 unmounted fit for service, and other warlike stores in proportion. The rest of the forts at St. Christopher's are esteemed only as batteries to defend so many landing places and roads from pirates and privateers: Fort Hamilton, 5 cannon mounted; Queen Anns Fort, 3; Fort Smith, 5; Basse Terre fort, 11; Old Road fort, 12; Palmato point fort, 7. At Nevis there is one old ruined fort at the only road in it, that has 15 guns mounted,

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provided only with powder and ball. At Mountserratt is an old ruined battery of 7 guns, without any magazine, and I am sorry to represent to your Lordships, that neither my predecessors, or myself have been able to prevail with the inhabitants to put themselves in a better posture of defence, tho' they suffered so much by the last war, and lye yet more exposed in case of another. (xii) The French neighbouring Islands, Martinique and Guardeloupe, being very large are much superior in numbers to the islands of this Government, the number of the militia in those islands being computed at least 7000 men. The St. Eustatia and Sabia, both belonging to the Dutch, are very small barren islands and have few inhabitants. The Danes have possessed themselves of St. Thomas's, where they have built a good town with a regular fortification, and have an excellent harbour which the fort commands, this Port in the late war was neutral and most frequented by the French privateers, who lay there to intercept the Jamaica trade, and to infest all the Islands of this Government. The Danes have lately possessed themselves of St. John's *etc.* *Refers to letter to Governor of St. Thomas (No. ii).* *Continues :* The Governor answered in general terms, that having a commission for those Islands, he could not evacuate St. Johns without orders from the King of Denmark. Upon this I had the honour to pray Lord Carteret's Instructions (*v. No. i*), which I never was so happy to receive, and as I am commanded by my Instructions, neither to commence war, nor make reprisals on any of the neighbouring Governments, without H.M. special commands, this affair has rested as it is, till I was lately informed H.M. of Denmark had sent a new Governour, upon which I wrote to him and again claimed H.M. sovereignty to the Island of St. Johns, and also of St. Thomas's *etc.* *Refers to encl. Nos. iii and vi.* *Continues :* The Danish inhabitants upon St. Thomas's are computed at about 400 white persons, and upon St. Johns, 100. The Spaniards upon Porto Rico (one of the noblest islands in the West Indies for soil, wood and water) are computed at 25,000 persons, few of which are native Spaniards or decendants from them, but the gross of this number chiefly consists of mullatas, mesties, and free negroes, a rude and barbarous people. The Governour and the most civilized part resides in a large city situated on an island within the harbour, fortified after the old Spanish manner and contains by computation about 6000 inhabitants. The harbour is large and commodious,

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very narrow at its entrance, and commanded by two castles. The next neighbours to this Government are the Spaniards on the coast of Caracos, who being situated so far to Leeward, are of no consequence in time of war. (xiii) The French settlements have ever since the Peace been very pernicious to the trade of these Islands, there being a very considerable number of ships and sloops that yearly trade with them from New England, New York and Penselvania, who exchange their loading (which generally consists of horses, boards, staves, hoops and flower etc.) for sugar, rum and molasses, with the French, and so return again without ever coming to any of H.M. islands to enter and clear. There has been also of late several vessels from Ireland, with provisions that have carry'd on the like trade, which is of so ill consequence that in very dry years, when the inhabitants of these Islands have been under the greatest necessitys for want of provissions, the French have been supply'd by ships and vessels belonging to Ireland and H.M. Plantations in North America *etc.* If Martinique and Guardeloupe were not subsisted by this illegal trade with provissions and materials for their sugar works, they could not support themselves there. But as this trade is carry'd on by H.M. subjects, the French not only increase in numbers, but make such vast quantities of sugar (besides what they make at St. Domingo) that, that trade in these Islands is very much to be apprehended, will in time be greatly diminished. The proper measure for preventing these evils is humbly submitted to your Lordships. Martinique and Guardeloupe lying to windward of all the islands of this Government can make a decent upon them in one night's time, the trade winds always favouring them. These islands being distant from one another and fewer inhabitants *etc.* Since the acquisition of the French lands in St. Christophers that Island and Antegoa are capable of making a good defence, but Mountserratt and Nevis lye very open to the depredations of the French, *etc.* The best security these Islands can have, will be what Naval strength H.M. shall be pleased to afford them, which in my humble opinion can't be less than three ships of war, of 50, 40 and 30 guns, which at the same time they protect our own trade, will contribute to the distruction of the French. (xiv) The Revenue arising to the Crown is by a duty of $4\frac{1}{2}$ p.c. on all the produce of the growth of these Islands exported, appropriated for payment of Governors' salaries *etc.* The duty of 3s. 6d. per

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cwt. on sugars, and the duties on other commodities transported for Great Britain are payable at the respective Custom Houses there. The Casual Revenue, such as fines, forfeitures, piratical goods *etc.* are collected by a Casual Receiver appointed by H.M. and accountable to the Lords of the Treasury. There is a duty in Antegoa of three halfpence per acre on all lands in that Island, laid by an Act of 1667, which is appropriated to the building of forts and fortifications and keeping the same in repair. There is also at Antegoa, Nevis, St. Christophers and Mountserratt a duty of one lb. of pistol powder per ton on all ships and vessels clearing, and is for the use of the fortifications and militia. This duty arises by the temporal laws made in these islands. There is likewise a perpetual duty on liquors at Antegoa amounting to about £1400 per ann., the gross of which is raised out of Madeira wines at 40s. per pipe, which is appropriated by the said Act towards defraying the public charges of the Island. The same duty on liquors amounts at St. Christophers to near £1200 per ann., at Mountserratt near £300. (xv) In Antegoa the inhabitants pay taxes for 55,000 acres of minurable land, all which has been granted by my predecessors, paying no quit-rent to H.M. save only one ear of corn yearly, if demanded, and there remains no land unpatented. Mountserratt contains about 9000 acres, Nevis contains about 11,000 under the like circumstance. St. Christophers contains 22,000 acres. Cayan and Old Road, containing about 11,000 acres are granted by patent under the same tenure as the lands in Antegoa. *Describes settlement of French quarter etc. v. C.S.P. 1714 etc.* Anguilla is near 15 leagues from St. Christophers, and is about 30 miles in length, and three in breadth, is a barren place and has never yet been survey'd, and the few inhabitants that have any grants from my predecessors or myself hold them by the same tenure as the people of Antegoa. Fifteen leagues to the westward of Anguilla, is Spanish Town, one of the Virgin Islands, about 3 leagues long and two in breadth, and the inhabitants hold by the same tenure as those of Anguilla. Three leagues to the westward of Spanish Town, lyes the Island of Tartola, under the same circumstances. There are great numbers of the lesser Virgin Islands that are uninhabitable, being small barren rocks. Fifteen leagues to the westward of Tartola lyes Crabb Island, being 7 leagues long and 3 broad. This is a noble and fertile Island and capable of producing anything that any other part of the West

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Indies doth: several attempts have been made to settle the same particularly by the inhabitants of the Virgin Islands, but they have been always cutt off or carryed away prisoners by the Spaniards of Porto Rico, from whence it is distant about five English miles; and as the Spanish Governors there, has order to kill and destroy all persons that shall attempt to settle the said Island, tho' this difficulty may be surmounted, yet I am apprehensive it would be impracticable to settle the same because the negroes would continually fly to the Spaniards for refuge, who give them their liberty in one year after they are baptis'd. The Island of Sta. Cruix lyes 10 leagues E. of Crabb Island, and is within the limitts of this Government. It was first posses'd by the English in 1649: and from 1657 to 1671 it was posses'd by the French who quitted it in 1671 and still lay claim to it, tho' it is now desolate. This Island is 12 leagues in length and 3 in breadth, and is computed to contain more land, and is a richer soil than Barbadoes, has four spacious harbours, and many convenient rivellts of water, and is a much finer island in all respects than what H.M. is posses'd in the Charibbee Islands, and has besides the reputation of having gold mines on the hills. (xvi) The ordinary expences of this Government are for the payment of the several Councils and Assemblys at their meetings which is 6s. per diem to each Member and also to their clerks *etc.* for the repairing of forts and payment of gunners *etc.*, for the support of the poor, for the payment of negroes executed, which is a very large article, to the Marshall for maintaining of prisoners, salaries to the Treasurer and powder officers, to their Agents in London, *etc.*, which by a computation at a medium of 7 years past amounts annually at Antegoa, £6,500; St. Christophers, £4,000; Nevis, £2,000; Mounserrat, £1500. The provision for the better support of the Commander in Cheif, which is during my Government only, is at St. Christophers £2,000 currant money per annum, att Mounserrat £500 per ann., Antegoa and Nevis having made no provision for my extraordinary expenses. The other extraordinary expences of this Government being casual, no certain computation can be made of them, but are annually provided for in the several tax acts *etc.* (xiii) *States civil and military establishments.* Signed, Jo. Hart. St. Christophers, 10th July, 1724. Endorsed, Reed. 21st Sept., Read 1st Oct., 1724. 31½ pp.

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260. ix. Journal of Assembly of Nevis, Charles Town, April 18th–May 7th, 1724. *Endorsed*, Recd. 21st Sept. 1724. 13½ pp.
260. x. Minutes of Council of Nevis, 27th April–4th May, 1724. *Same endorsement*. 5 pp.
260. xi. Address and Remonstrance of the Assembly of Nevis to Governor Hart. 7th May, 1724. Complain of the proceeding of the Council in refusing to pass a tax bill, objecting that they were not consulted and joined in a Committee with the Assembly in raising and proportioning such tax *etc.* It is the undoubted right of the Commons to raise money, and that all subsidy bills should have their rise there *etc.* *Signed*, John Dasent, Speaker. *Same endorsement*. 1 large p.
260. xii. Address of the President and Council of Nevis to Governor Hart. 18th May, 1724. Claim the right to be consulted when a tax is to be raised, before a bill is presented by the Assembly *etc.* *Signed*, Richd. Abbott, John Richardson, Mich. Smith, Cha. Bridgewater, Michael Williams, Richd. Abbott, junr. *Same endorsement*. 1 large p.
260. xiii. Governor Hart's letter to the President and Council of Nevis, St. Christophers. 20th May, 1724. Regrets *above* misunderstanding. Concludes that the Council are not in right of preparing levy bills by joint Committee with the Assembly, but their refusing a Conference with the Assembly was a dangerous step towards dissolving the harmony between the Houses. The Assembly's adjourning themselves and meeting again is an invasion of the Prerogative. Decides to dissolve the Assembly. *Signed*, Jo. Hart. *Same endorsement*. *Copy*. 3 pp. [C.O. 152, 14. ff. 302–308v., 309v.–310v., 311v.–316, 318–319, 320–321, 322–323, 324, 325–340v., 341v.–348v., 349v.–352, 353v.–358.]

July 13.
Jamaica.
Spanish
Town.

261. Governor the Duke of Portland to the Council of Trade and Plantations. Having receiv'd no letters from England since I had the honour to write to yor. Lordships, I will avoid being troublesome as much as I can *etc.* Most of the people here have been dispers'd at their respective plantations, ever since the last session of Assembly, and very busy (as this is the season of the year) in getting in their sugars, I believe I shall see but few of them, except it be by accident upon business, till I receive answers or full directions, about what I have sent over last. I could wish, as I took the liberty to mention then, that what has been done here, might deserve approbation, considering the care, pains and trouble I have been oblig'd to be at, in getting people to concur so near, as

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they call it here, in everything that was expected from them, however I shall patiently expect what directions and instructions may be thought proper to be sent me, wth. a full resolution punctually to obey H.M. commands to the utmost of my power, but am oblig'd to say that the power one has here, is very moderate, next to none at all, there is nothing to reward any body or encourage anyone to distinguish himself in the service of the publick. The Patent Officers think themselves entirely independant from the Governour, except it be just in the execution of their office, and brag of it in private that their patents are given to them by the King, in the same manner as the Governour's Commission is, and that they have nothing to do with the Governour, by this your Lordps. plainly see what can be expected from them, particularly wn. their own interest leads them to make private friends to themselves. The Deputies who are here, are generally such persons as that nothing can be expected from them ; all other posts by which one ought to keep up one's interest, and keep the people in some awe, are only feathers and have formerly been so mis-manag'd, that there hardly is any body who cares for them, and they say if one thinks to influence them by it, that they had rather be without them, because of the trouble and the charge that attends them ; I think it plainly appears (since it is not in one's power to encourage any one by the hope of a reward, nor to awe by shewing resentment) how necessary it is that those who are instructed to see a due regard paid to H.M. Instructions, and that they be comply'd with, ought to be supported and countenanc'd at home. It has been wth. the greatest difficulty that a prosecution has been carried on against a ship and a small vessel call'd a schooner that had broke thorough the Acts of Trade and Navigation ; I have had reason for some time past to suspect sevell. illegal practises, but all my endeavrs. to find it out by the industry of those concern'd have been frustrated till [] In these two, the first for importing a great quantity of East India arrack, and selling it publickly, the other for importing snuff and other goods for this place, belonging to and navigated by foreigners. I send over to yor. Lordps. all the papers concerning these prosecutions, but as the party's concern'd make a good deal of noise about it, I hope you'l excuse me if I desire some notice may be taken concerning some things that happen'd and don't appear in the papers or depositions ; What I mean is relating to the vessel call'd the schooner, the ship will admit of no dispute, because she publickly sold the arrack she had brought in and got on board, out of some ship or ships she had met coming from the East Indies, but as to the schooner, when she came in, she was sent here by a gentleman, to the South Sea factors or agents. This gentleman is a factor or agent also and was here last year himself, upon some business as he pretended and came over in a foreign vessel, At his

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arrival he desired I would give him leave to land such goods only as were his own, and to dispose of some to such small value, as might be necessary for his support which I allow'd him ; under that pretence the whole and intire cargo of the vessel was sold and dispos'd of ; unknown to me at that time. Now this schooner came from the same Gentn. consign'd to the South Sea Factors here, wth. bills of loading and a lett pass for this place, they try'd all the ways they could think of to obtain my consent, that she might land her cargoe, wch. I constantly refus'd, but they take no notice that I told them and offer'd it, that since the goods belong'd to H.M. subjects I wo'd grant them leave to go out again, when, and how they pleas'd, wch. not answering their purpose they constantly refus'd, and insisted in hopes of prevailing by their repeated importunities to land the cargo, wch. at last oblig'd the Naval Officer to seise the vessel and cargo. The Prosecution has been attended wth. so much noise, clamour and even threats, so as that I was uneasy at the Vice-Admiralty's Court sitting or being held in any other town, but where I was myself, it was accordingly held in this town, that I might prevent all tumultuous proceedings, finding a disposition towards it, at last by the indefatigable care and industry of Mr. Attorney Genl. the ship and schooner have been condemn'd, I dont question but by his resolution and constancy, he has drawn the ill will and resentment of sell. persons upon him but if that is to be minded there must be an end in trying to put the laws in execution, and the King's Officers may have nothing else to do, but to submit to people's pleasure and be witnesses how the laws are evaded and constantly broken through. This also is a proof how necessary it is, that those who do what they can, to have the laws comply'd with and to obey instructions should be supported. I have receiv'd an Order some time ago from H.M. in Council concerning one Brown who just before my arrival had been fin'd by the Grand Court and condemn'd to a years imprisonment. I did extend mercy then as far as could be expected, but finding that he has apply'd to the King and Council, I communicated to the Council here the Order I had receiv'd wch. was immediately obey'd, but the Council was surpris'd to find that the allegations and suggestions in Mr. Brown's petition upon wch. he obtain'd that order were all malicious and fictitious, so they desir'd to draw up a true state of the case in their own justification, that it might be sent to your Lordps. and be lay'd before H.M. in Council. They don't question but that it will sett that matter quite in another light, and think themselves ill us'd and injur'd by a man who has always, as they say, deserv'd the worst of characters. P.S. (*in the Duke's own hand*) The state of Mr. Brown's case has not as yet been brought back to me from the Council *etc.* I am obliged to delay sending of itt, till the next opportunity *etc.* I am sorry there should

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appear such negligence, but itt is, what I am pretty well us'd to, tho I do what I can to cure itt. I hope all will mend in time, and that patience will overcome severall things. *Signed*, Portland. *Endorsed*, Reed. 21st, Read 30th, Sept., 1724. 4 pp. *Enclosed*,

261. i. Mr. Dalzell to Messrs. Rigby and Prater. Puerto del Principe. Feb. 10, 1722. *Encloses* bill of lading of cargo shipped on board a French golet, taken by a corsair and brought into Cuba. *Describes* his proceedings in connection with that vessel. *Signed*, Gibson Dalzell. *Copy*. 1½ pp.

261. ii. Petition of Richard Rigby and Edward Pratter, Agents to the Royal British Assiento Company, to Governor the Duke of Portland. The schooner *Esperanza* freighted by the Assiento Factory at Havana was taken *as in preceding*, and being found to have been employed in the Company's service, was discharged. For the greater security of the effects, Mr. Dalzell ordered an English master and several sailors aboard, who had been there taken prisoners, with directions to bring the vessel hither to petitioners, the intended voyage having been broken and disappointed by the supra cargo, who was appointed to direct the same, having quitted the vessel. The said schooner was seized by H.M.S. *Winchelsea*. Petitioners do not find the least grounds for any charge against the Master or mariners, but the schooner belonging to the French, petitioners cannot break bulk without H.E.'s special licence *etc.*, for which they ask, in order to pay charges and wages *etc.* *Signed*, Richd. Rigby, Edwd. Pratter. *Copy*. 1¾ pp.

261. iii (a). Petition of John Stewart and Jonathan Perrie, Agents to the Royal African Company, and consignees of the ship *Chandos*, to Governor the Duke of Portland. Said ship, arriving with a cargo of slaves from Whydah on account of the R. A. Company, and having duly entered, and taken in part of her loading for England, was seized by John Manley, Naval Officer, for supposed breach of the Acts of Trade by John Kerfoot, late Master, or some of the mariners. *Complain* of delay in the trial and ask for an appraisement to be made in order to petitioners giving security according to the Act, whilst the ship continues on her advertised voyage *etc.* *Signed*, John Stewart, Jona. Perrie. April 6th, 1724. Kingston. *Copy*. 2½ pp.

261. iii (b). Opinion of the Attorney General of Jamaica on above petition. St. Jagodelavega. 11th April, 1724. The Naval Officer has not affected any delays in prosecuting the seizure, which, it is much suspected,

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have been occasioned by the practices of petitioners *etc.* They misconstrue the Acts, which have not the words "or value thereof" *etc.* The granting of their prayer might obstruct the proceedings of the Court and divert the Naval Officer of his part of the forfeiture, and be a commuting of the penalties *etc.* which I apprehend cannot be done by your Grace's authority *etc.* Signed, Willm. Monek. *Copy.* 1 p. Nos. i-iii endorsed, Recd. 21st Sept., 1724.

261. iv. Case of the *Esperance*. Signed, Richd. Rigby, Edwd. Pratter. Kingston, 10th March, 1723(4). *Copy.* 2 $\frac{3}{4}$ pp.
261. v. Petition of Richard Rigby and Edward Pratter to H. E. Ask for order to Naval Officer to proceed to speedy trial of the *Esperance*, and that meanwhile they may land the Company's effects and pay charges therewith *etc.* Signed as preceding. *Copy.* 1 p.
261. vi. Deposition of same as to the *Esperance etc.* 26th Feb., 172 $\frac{3}{4}$. Signed as preceding. *Copy.* 2 pp.
261. vii. Deposition of Capt. James de Neuvaïne, master and owner of the schooner *Esperance*, as to her voyage *etc.* 26th Feb., 1723(4). Signed, Neuvaïne. *Copy.* 1 p.
261. ix. Deposition of John Teat, mariner. He was taken prisoner by a Spanish vessel, 26th Dec., which afterwards captured the *Esperance*, whose people declared that they were bound from the Havana directly for Jamaica, *etc.* 26th Feb., 172 $\frac{3}{4}$. Signed, John Teat. *Copy.* 1 p.
261. x. Attorney General of Jamaica to H.E. March 18, 1723(4). Upon the petitions *etc. supra*, iv-ix. Advises that the seizure of the *Esperance* is a legal seizure, she being foreign built and owned by foreigners, and the cargo originally consigned from the Havanna to the petitioner. Nos. iv-x endorsed, Recd. 21st Sept., 1724. *Copy.* 1 $\frac{1}{2}$ pp.
261. xi. Proceedings in the Court of Vice-Admiralty, Jamaica, in relation to the condemnation of the schooner *Esperance*, 31st March-30th May, 1724. Leave to appeal granted. Endorsed as preceding. Seal. *Copy.* 70 pp.
261. xii. Proceedings in the Court of Vice-Admiralty in relation to the condemnation of the ship *Chandos*, 25th March-19th May, 1724. Leave to appeal granted. Same endorsement. Seal. *Copy.* 100 pp. [C.O. 137, 15. ff. 1-3v., 4v.-13, 14, 15, 15v., 22v., 23r.-92v., 93v., 94r.-192v.]

July 13.
Jamaica,
Spanish
Town.

262. Governor the Duke of Portland to Lord Carteret. Duplicate of preceding covering letter. Endorsed, R. 23 Sept. 4 pp. [C.O. 137, 52. ff. 75-76v.]

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July 14.
Whitehall.

263. Council of Trade and Plantations to the King. Representation upon petition of merchants against the renewal of the Act of New York *for the encouragement of the Indian trade etc.* (v. 30th April). We have been attended by the Petitioners who inform'd us, that they have found this Act by experience to be so great a discouragement to the British trade, that there has not been by far so considerable a quantity of beaver and other furs imported into Great Britain from New York since the passing the said Act as heretofore, nor half the quantity of European goods exported thither, in consequence whereof the price of furs is raised 25 and 30 per cent, to the great prejudice of several British manufactures. They likewise affirm'd that it was impracticable to hinder the French from supplying the Indians with European goods, for tho' N. York should not furnish them, the French would find another way to be supply'd therewith, either from some other of H.M. Plantations, or it might be directly from Europe, that it was of dangerous consequence to force this trade into a new channel, many of the goods which the Indians want, being as easy to be had directly from France or Holland, as from Great Britain. They further added that it was not likely the Act should produce the effects expected from it, more particularly that of securing the five Indian Nations firmly to the British interest; because if the French should once get a supply of the goods necessary for the Indian trade from any other place, as the five Indian Nations are settled upon the banks of the River of St. Lawrence, directly opposite to Quebeck, two or three hundred leagues distant from the nearest British Settlement in New York, the vicinity of the French would furnish them with the means of supplying even the 5 Nations with these goods, and consequently of alienating their affections from the British interest. And that there was no prospect of obtaining a trade with the French Indians by this means, because the French would always be able to prevent their passage across the lakes and River of St. Lawrence, to our Settlements *etc.* On the other hand, the preamble to the Act sets forth, that it was found by experience that the French of Canada, by means of Indian goods bought from that Province, had not only almost wholly engrossed the Indian trade, but had in great measure withdrawn the affections of the Five Nations from the inhabitants of that Province, and rendered them wavering in their allegiance to your Majesty, and would, if such trade were not prevented, altogether alienate the minds of the said Indians, which would prove of dangerous consequence to the English interest in America. *Quote Governor Burnet's report on the good effect of the Act v. supra. Continue:*—Upon the whole, being doubtful of some of the facts alledged by the merchants, and considering how far the British trade may be affected by this Act on the one hand, and how much the security and interest

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of your Majesty's Colonies in America, may be concern'd on the other, We are humbly of opinion that no directions should be sent to New York upon the subject matter of this Act, till Mr. Burnet shall have been acquainted with the objections of the merchants thereto, and his answers and observations receiv'd thereupon; for which end, if your Majesty shall be graciously pleas'd to approve of this our proposal, we shall forthwith send him copies both of the merchants' Memorial and of what objections they have made before us to the subject matter of this Bill. [C.O. 5, 1124. pp. 346-352.]

July 15.
Treasury
Chambers.

264. Mr. Scrope to the Council of Trade and Plantations. My Lords Commissioners of H.M. Treasury agree *etc.* to the establishing an officer to attend at your Office in the quality of a porter until a doorkeeper or Messenger's place in your Office becomes vacant, at a salary of £40 per annum *etc.*, notwithstanding my letter of May to the contrary *etc.* Signed, J. Scrope. Endorsed, Recd. Read 15th July, 1724. Addressed. $\frac{3}{4}$ p. [C.O. 388, 78. ff. 101, 102v.]

July 15.
Whitehall.

265. Council of Trade and Plantations to the Duke of Newcastle. Quote Attorney and Solicitor General's opinion (Nov. 30, 1723) upon gold and silver mines in New Jersey. Conclude:—As we conceive, the matter referr'd to us, to be only a point of law, depending upon the words of their Charter, we have nothing further to add. [C.O. 5, 996. pp. 134, 135.]

July 15.
Whitehall.

266. Council of Trade and Plantations to the Duke of Newcastle. Having had under our consideration the draft of an Act sent from Jamaica for granting a Revenue to H.M. *etc.*, we take leave to acquaint your Grace, that it will require much more time to form our judgment upon it, than was at first imagin'd, because we find by perusing the said Act, and the Attorney and Solicitor General's report thereupon, that the clause for the continuance of their laws, is so worded, that all temporary laws now in force in Jamaica, will be thereby made perpetual, excepting only some few particularly mentioned in this new Act, which will make it absolutely necessary to look back into all their temporary laws before we can give any opinion upon this Act; Besides we have reason to apprehend, it will be lyable to some objections as well from the nature as the insufficiency of the funds granted for H.M. Revenue. Considering therefore how difficult it will be to represent upon this Act, time enough for the same to pass before the present Revenue Laws and the Acts depending on it will expire, even tho' there shou'd be no objections to this Act, we think it necessary, considering the importance of the case, to apprise your Grace thereof in time, that some expedient may be fallen upon to prevent so great a confusion as must naturally happen

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to the Island of Jamaica, and to all persons concerned in trade there, if the Laws depending upon the renewal of the Revenue Act, should expire. The consequence of this expiration would be, that without fresh authorities for that purpose from the King, no Assemblies can be held there, the Law for establishing Assemblies being one of these that expires with the Revenue Act. Those likewise for regulating the proceedings of Courts of Judicature, being of the same number, it will be impossible to have any proceedings in the Courts of Justice there, of which matter that your Grace may be more particularly inform'd, we send you enclosed a copy of the Attorney and Solicitor General's report *etc.* The most natural expedient upon this occasion, in our humble opinion, would be, that the Duke of Portland should be instructed to pass an Act for continuing the Revenue and Laws of Jamaica depending upon the present Revenue Act for the space of one year, or until H.M. pleasure shall be known thereupon, whereby there will be time for duly considering a matter of so great consequence, and for proposing such particulars as shall be thought necessary for securing the quiet of that Island, and for settling a sufficient Revenue for the support of H.M. Governmt. there. [C.O. 138, 16. pp. 480-483.]

July 15.
Jamaica.
Spanish
Town.

267. Governor the Duke of Portland to the Council of Trade and Plantations. Though I was press'd th' other day to send away my letters, for fear of the man of warr's going away without them, and that by the haste I was in, I could not waitte, for to send the state of Mr. Brown's case, drawn up by the Council, which they had took with them, to have itt drawn out fair, (*v.* 13th July), but having recev'd itt since, and hearing in a manner accidentally that the man of warr is not yett sail'd (but without any certain information when she will sail being constantly an entire stranger to all the transactions of the men of warr, for private reasons of their own, which I can't help representing, as a disservice to the publick, and a great inconvenience to the Governt. here, besides exposing itt in a very great degree) I hope this will come time enough to go in her *etc.* Signed, Portland. *Endorsed*, Recd. 22nd, Read 30th Sept., 1724. *Holograph.* 1 p. *Enclosed*,

267. i. State of Mr. Brown's Case, drawn up by the Council of Jamaica. In obedience to H.M. Commands [*v.* A.P.C. III. No. 55], we have allowed a writ of error to be brought by the Attorneys of Mr. Stephen Brown and assigned such Counsel as they desired and approved of, but in the mean time humbly beg leave to set that matter in a true light. Petitioner married the widow of Whitgift Aylmer, and in her right became one of his executors. In order to convert the whole estate to his own use and to defraud the creditors as well as

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the heir of Aylmer, in Nov., 1721, he drew himself a declaration against the executors of Aylmer at the suit of Rowland Eustace upon a bond of £6,000 sterl. which bond (as he pretended) was entered into by Aylmer in England. Brown did himself bring the said declaration to Mr. Verdon an Attorney and Clerk to the Clerk of the Supreme Court and desired him to set his hand to it as Attorney for the Plaintiff (which is the usual practice here) which Vernon did, and soon after Brown and his wife clandestinely and without the privity or consent of Dr. Charnock (another of Aylmer's executors and guardians to his child) confess a judgment upon the said declaration before James Campbell, one of the Judges of the Supreme Court, privately in his chamber, who was surprized into the matter and not aware of the fraud intended. Brown in order to bind the property of the slaves and personalty of Aylmer did tamper with the Provost Marshall to levy a sham execution upon them which he absolutely refused (*v. encls. ii, iii*). Brown was at the time one of the Judges of the Supreme Court *etc.* When this was discovered it occasioned great clamour among the creditors and legatees of Aylmer, tho' Brown afterwards found ways to take off the legatees, and it was looked upon by the whole country to be a most dangerous president not only for the defrauding of creditors but also for the destruction of orphans, for the judgment not only swept away all the said Aylmer's slaves and personalty by which the creditors were left without any remedy, but also by that means deprived the orphan of her slaves without which the lands (tho not subject in this Island to the payment of debts) can be of no use or advantage to the heir. For which fraud upon application not only of the Council but of the Assembly also, Governor Sir N. Lawes turned him out of all his offices and ordered him to be prosecuted *etc.* Tho' he has suggested in his petition that he could get no Council to assist him, it appears that Mr. Lynch and Mr. Vale two barristers at law did plead for him and he himself who had been bred to the law was allowed to plead and Mr. Willson another barrister was also assigned him as Council, but he thought the cause so notoriously scandalous that he desired to be excused from appearing for him. Upon the tryal he could make no defence nor produce any letter of Attorney from Rowland Eustace to have enabled him to sue, and there was good reason to beleive there was no such person *etc.* He was so sensible of his guilt that he had not the confidence to

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apply either to Sir N. Lawes or His Grace for a writ of error, but applied by petitioner to His Grace to pardon his imprisonment and remit the fine, and it being the first instance which offered to His Grace to shew his clemency, he pardoned the remaining part of his imprisonment and allowed him upon payment of £100 part of the fine down, a year's time to pay the other £400 *etc.* *Signed*, Tho. Bernard, J. Ayscough, John Moore, Ed. Pennant, Ezll. Somersall. St. Jago de la Vega, 9th July, 1724. 1½ *large pp.*

267. ii. Deposition of John Verdon, 9th July, 1724, as to the recording of the declaration and confession of the debt to Rowland Eustace *etc.* *v. preceding.* *Signed*, John Verdon. *Endorsed*, Recd. 22nd Sept., 1724. 1 *p.*

267. iii. Deposition of Alexander Forbes, 9th July, 1724. Stephen Brown attempted to lodge an execution in deponent's office at the suit of Rowland Eustace, but did not do so when deponent insisted on payment of his legal fee. *Signed*, Alexander Forbes. 1 *p.* *Endorsed as preceding.* 1 *p.* [*C.O.* 137, 15. *ff.* 193, 194v, 195, 196–198, 199v.]

July 15.
Jamaica,
Spanish
Town.

268. Governor the Duke of Portland to Lord Carteret. Duplicate of preceding covering letter. *Holograph.* 1 *p.* [*C.O.* 137, 52. *ff.* 77, 77v.]

July 16.
Treasury
Chambers.

269. Mr. Scrope to the Council of Trade and Plantations. *Reply to June 30th* upon Revenue Bill of Jamaica. (i) The general way taken by the bill of declaring all Acts as they now stand and are accepted and used to be in force there for ever, without specifying the particular Acts and Laws in title or substance is not well approved by my Lords of the Treasury. (ii) They have reason to beleive the new revenues are over-estimated. (iii) No provision is made for discharging the present debt, about £16000. (iv) The lowering the duties on indigo and sugar will encourage the trade from the French colonies, which ought by all means to be avoided. (v) The not permitting a clause to be inserted in the bill to suspend the execution thereof till H.M. pleasure should be known, is a behaviour no ways answering what might be expected from subjects to whom H.M. shows such great goodness and favour. (vi) The overplus of the Revenue (if any) instead of being disposed of by act of Assembly, ought to have been left to H.M. disposal, the rather for that the Assembly have assumed by the bill to appropriate all the patrimonial revenues of the Crown for the support of the Government and the contingencies thereof, and at the same time deprive H.M. of the power of disposing the overplus. (vii) The Receiver General of the

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Revenues is to accompt only with the Governour Council and Assembly or a Committee thereof. This in my Lords' opinion is a setting up an insufferable independancy, and therefore they do insist, that the Receiver General be made to accompt before their Lordships or the Auditor of the Plantations under them according to H.M. Instructions to the Governor General. *Signed*, J. Scrope. *Endorsed*, Recd. 18th, Read 21st July, 1724. *Addressed*. 1 p. [C.O. 137, 14. ff. 355, 356v.]

July 16.

270. Mr. West to the Council of Trade and Plantations. Report upon several Acts of Jamaica passed in 1723. *Signed*, Richard West. *Endorsed*, Recd. 16th July, Read 12th Aug., 1724. 5 $\frac{1}{3}$ rd. pp. [C.O. 137, 14. ff. 367-370v.]

July 17.
Kensington.

271. H.M. Warrant to Mr. Attorney or Solicitor General to prepare a bill for H.M. signature appointing John Selwyn Chief Clerk, Register and sole Examiner in the Court of Chancery in Barbadoes, and Clerk of the Crown and Peace there, upon the death or surrender of Anthony Cracherode, for and during the natural lives of John Selwyn the younger and George Augustus Selwyn, his sons, and the life of the longer liver of them *etc.* You are to insert in the said bill a clause, declaring our acceptance of the surrender lately made to us by Nicholas Paxton and Barnabas Legard of their several reversionary estates and interests of and in the said offices and of our grant thereof unto them *etc.* *Countersigned*, Holles Newcastle. *Copy*. [C.O. 324, 35. pp. 74, 75.]

July 18.
Whitehall.

272. Duke of Newcastle to Governor Worsley. My Lord Carteret having put into my hands your letter to his Lop. of 3rd March *etc.*, I will take the first opportunity of receiving H.M. commands upon them. In the mean time I would not omit acknowledging the receipt of your letter, and assuring you, that, if any thing shall happen in the course of our correspondence, wherein I can be of use to you, you may depend upon my doing you all the service in my power; as I had the happiness of your acquaintance when you were here, I shall be glad of all occasions of recommending myself to your good opinion, and of convincing you, that I am with the greatest truth and esteem, Sir, Your most faithfull and most humble servant. *Signed*, Holles Newcastle. [C.O. 324, 35. pp. 75, 76.]

July 20.

273. N. Torriano to the Council of Trade and Plantations. *Reply to Queries* on Sugar and Tobacco trades, v. 14th May. Similar to other replies, 30th May-18th June. *Signed*, Nathaniel Torriano. *Endorsed*, Recd., Read 21st July, 1724. 9 pp. [C.O. 388, 24. No. 153.]

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July 21. **274.** John and David Lequesne to the Council of Trade and Plantations. *Replies to Queries on Sugar and tobacco trades, 14th May etc. Propose reduction of duties etc. as others, 30th May–18th June. Signed, John Lequesne, David Lequesne. Endorsed, Recd., Read 21st July, 1724. 3 pp. [C.O. 388, 24. No. 150.]*

July 21.
Whitchall.

275. Council of Trade and Plantations to the Committee of Privy Council. *In reply to 17th April, propose conditions proper to be contained in a grant of lands petitioned for by Col. Vetch and other Officers. (i) All royalties, dominion and government to be absolutely reserved to the Crown. (ii) An annual quit-rent to the Crown of 14 lb. of hemp water-rotted, bright and clean, and fit for making cordage for the Navy, for every 100 acres granted, that shall be inclosed, planted, cultivated or improved. The said quit-rent to commence within four years after improvement inclusive, or cultivation : to be double the 12th year, and treble the 20th, and so to continue for ever after, etc. The said hemp to be delivered to H.M. Receiver, at such places as he shall name, not exceeding 10 miles from the ground where the hemp grew, free from all charges to H.M. (iii) In four years time the patentees to transport to the land granted 400 families, (iv) and to cultivate 800 acres, (v) and to build one or more stockaded towns for the defence of their Plantations. (vi) If at any time H.M. shall think it necessary to erect a fort or forts on any part of the lands hereby granted such place shall be assigned for that end, but if any buildings are already erected upon it, reasonable satisfaction shall be made to the Proprietors. (vii) One full 20th part of the land granted shall be reserved to H.M. as a nursery for masts and timber for the Royal Navy ; the said 20th part to be marked out by H.M. Surveyor General etc. (viii) The Patentees not to export to any foreign parts out of H.M. Dominions any Naval Stores etc. (ix) All subjects of Great Britain to have liberty to fish upon the coasts and to build stages to cure their fish etc. etc. (x) H.M. Surveyor General of the Woods to be present at the laying out of the lands etc. (xi) No Patentee to sell his share of the land until he shall have been six months in actual possession, and shall have cultivated the same, or at least that he have not liberty of selling a greater part of his share than he shall have improved. No Proprietor to buy another's share till he shall have cultivated and improv'd his own. (xii) The grantees shall not have leave to sell to any one person or to any other in trust for him above 500 acres. [C.O. 218, 2. pp. 43–48.]*

[July 22]. **276.** Anonymous paper on the Sugar trade. *Cf. 30th May–18th June. Refers to complaints against recent exorbitant additions to the Governor's emoluments, which can only be*

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raised by the poor planters laying taxes which affect the trade of the mother country *etc.* "Another great evil of late years *etc.* is the depriving the Governor and Council of any jurisdiction or direction over the station ships of war, *etc.*, the only reason for which that was ever heard of, was that Governor Beeston put in the purser of the *Falcon* to be Commander after the Captain's death, over the head of another Officer, contrary to the rules of the Navy, and that under the command of this purser, the said ship was taken by the enemy, this hath been made use of by the Lords of the Admiralty to deligate their jurisdiction to the will and purpose of every private Captain of the Station ships, so as the said ships altho' a very great expence to the Nation, yet have done little or no service for many years past in the West Indies, haveing left the headlands always unguarded, and consequently the trade both going and coming exposed to the pirates and Spanish guard de coast ships *etc.*, so as the said pirates becoming masters of those seas *etc.* have risen up like mushrooms under the very noses of our said men of war, for near nine years, and we never heard that they took more then two in America" *etc.* *Argues case* for placing H.M. ships under the direction of the Governor and Council. The remedy of the late Act for restraining ships of war from carrying merchandize is become worse than the disease, for those appointed to take care of the ships from Jamaica to the Spanish coast, loaden chiefly with our woollen goods, and for which silver and gold are the usual returns, raise a contribution of $12\frac{1}{2}$ p.c. convoy money of all traders, except 8 p.c. from one or two, which puts the English trader on much worse foot than Dutch or French *etc.* Another abuse is raising the species in most of our Colonies from time to time, whereby the debtor defrauds the creditor, so as many families have been ruined here in England who have traded thither, and this hath usually been done by contrivance of Governors for their privat advantage, though contrary to Instructions, Proclamations and even Acts of Parliament *etc.* The great ravages made on the coast of Guiny by pirates, by the loss of near 100 ships in two years, are deep wounds given to our colonies as well as to our trade and navigation *etc.* Sugar works should be encouraged abroad so as to increase supply and cheapen it, and the planter relieved of all fears of dis-obliging Governors, which cannot be so long as the latter remain their own Chancellors and navigation as dangerous as it now is by pirates and the guard de coast vessels, the latter of which are undoubtedly supported underhand by the Spaniards in Europe, or their Governors in America durst not give commissions to pirates who have taken divers English vessels under pirate colours and afterwards got them condemned as lawful prize in divers of their Governments *etc.* On the faith of treaties our merchants fit out large adventures and fall into

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the hands of an enemy one dreams nothing of, and for that reason no resistance is made, but if there is up goe the pirate colours, at sight whereof our men will defend their ship no longer. An expedient which would soon put an end to this destruction of the British trade, would be to suffer the Governor of the nearest Colony where these unlawful captures are made, on due proof thereof, to grant the person injured forthwith letters of reprisal *etc.* *Endorsed, Recd., Read 22nd July, 1724. 12½ pp. [C.O. 388, 24. No. 155.]*

July 22. **277.** Council of Trade and Plantations to the Duke of
Whitehall. Newcastle. Communicate report from the Agent of Carolina, relating to M. Couturier (*v.* April 30th) received since letter of 23rd April. *Autograph signatures. 2 pp. [C.O. 5, 382. No. 38; and 5, 400. pp. 189, 190.]*

July 22. **278.** Mr. Popple to Governor Burnet. Encloses Memorial,
Whitehall. Representation, Reference, and Minutes of Council of Trade relating to Act *for the encouragement of the Indian trade etc.* (*v.* 23rd July), for his answer as soon as possible. [*C.O. 5, 1124. pp. 352, 353; and (rough draft) 5, 1079. No. 138.]*

July 22. **279.** Mr. Popple to the Duke of Bolton. His Grace having
Whitehall. entered a caveat in this Office against an Act passed in Jamaica in 1722, *for settling* the N.E. part of the Island, *enquires* what objections he has and whether he desires to be heard by Counsel *etc.* [*C.O. 138, 16. pp. 484, 485.]*

July 22. **280.** Mr. Popple to Governor Hart. Encloses copy of Order in
Whitehall. Council (4th July), upon the Board's letter of April 17, "whereby you will take notice of H.M. goodness to you" *etc.* [*C.O. 153, 14. pp. 153, 154.]*

July 23. **281.** *Same* to Mr. West. Encloses, for his opinion thereon, "six
Whitehall. Acts passed in Antigua 1723 and 1724". [*C.O. 153, 14. pp. 154-156.]*

July 23. **282.** *Same to Same.* Encloses, for his opinion thereon in point
Whitehall. of law, three Acts of New Jersey, (i) *for an additional support of the Government, and making current £40,000 in bills of credit etc.* (ii) *concerning the duty of the Commissioners appointed to manage the loan offices in the respective counties etc.* (iii) *for the better putting in execution the Act for regulating of fences.* [*C.O. 5, 996. pp. 135, 136.]*

July 23. **283.** *Same to Same.* Encloses, for his opinion in point of law, 9
Whitehall. Acts of Pennsylvania, passed in 1723. (i) *for emitting £15000 bills of credit.* (ii) *for the better putting in execution preceding Act etc.* (iii) *for respiting executions upon certain judgments*

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of Courts etc., (iv) *directing the process of summons against freeholders.* (v) *A supplementary Act to No. i.* (vi) *for regulating and establishing fees.* (vii) *for emitting £30,000 in bills of credit,* (viii) *to rectify proceedings upon attachments.* [C.O. 5, 1293. pp. 337, 338.]

July 23.
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284. *Same* to Lt. Governor Sir Wm. Keith. I have laid before my Lords Commissioners your letter of 12th Dec., giving you reasons for creating a paper currency. But as the bills for that purpose were not received till some time after, they have not yet had time to consider the same. Their Ldps. have nothing further to add to their letter of 19th June, 1723, till they have considered the said Acts, which they have determined shortly to do, when you will receive their observations *etc.* In the mean time, I am to desire you will give directions to the proper officer, that all Acts and other papers which you shall for the future transmitt to the Board, may be abstracted in the margin, in order to prevent the delays which the making such abstracts when the papers are received here, must necessarily occasion. [C.O. 5, 1293. pp. 339, 340.]

July 23.
Whitehall.

285. Mr. Popple to Mr. Willard. *Acknowledges* letters and papers of 30th May and 31st Dec., 1723, and 30th May last. *Concludes*: "My Lords Commissioners desire that for the future you will transmit those accounts directly to their Lordships." [C.O. 5, 915. pp. 405, 406.]

July 23.
Whitehall.

286. *Same* to Governor Shute. Requests him to send to him the papers relating to the Massachusetts Bay transmitted by Mr. Willard, 30th May. [C.O. 5, 915. p. 408.]

July 23.
Whitehall.

287. *Same* to Mr. West. *Encloses*, for his opinion in point of law, Act of Barbados, 1721, *to preserve the freedom of elections and appointing who shall be deemed freeholders and be capable of electing or being elected Assemblymen or Vestrymen, or to serve as jurors to try real actions etc.* [C.O. 29, 14. p. 401.]

July 23.
Kensington.

288. Order of King in Council. Approving Representation of 15th July, and ordering the Council of Trade and Plantations to prepare an Instruction to the Duke of Portland to pass an Act accordingly. They are to insert therein the necessity of passing such an Act, and the ill consequences that will otherwise attend the Island, according to the report of Mr. Attorney and Mr. Solicitor General, *etc.* Signed, Edward Southwell. *Endorsed*, Recd., Read 24th July, 1724. 2 pp. [C.O. 137, 14. pp. 357, 358v.]

July 23.
Kensington.

289. Order of King in Council. Appointing Samuel Moore to the Council of Jamaica. Signed, Edward Southwell. *Endorsed*, Recd. 31st July, Read 5th Aug., 1724. 1 p. [C.O. 137, 14. ff. 361, 362v. ; and 137, 46. No. 42.]

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July 23. **290.** Order of King in Council. Approving representation of
Kensington. 14th on Indian trade Act and ordering accordingly. *Signed*,
Edward Southwell. *Endorsed*, Recd. 3rd, Read 5th Aug 1724.
2½th pp. [C.O. 5, 1053. ff. 221–222v.]

July 24. **291.** Council of Trade and Plantations to the Duke of
Whitehall. Newcastle. *Enclose* following to be laid before the King.
Autograph signatures. 1 p. *Annexed*,

291. i. *Same* to the King. In pursuance of Order of 30th April *etc.* By the accounts of imports, exports and home consumption, 1702–1722, which we have divided into four different mediums of five years each, it dos appear that the greatest alteration during that time, in the state of the tobacco trade, has been in the last five years vizt. Christmas 1717–1722, during which time the imports and exports have been considerably increas'd. But by the like mediums taken upon the sugars, it does appear the home consumption of this commodity has gradually increas'd for the whole term, and is now near the double of what it was twenty years ago; it likewise appears that our exportation of sugars in the last five years of this term, was less than in the five years immediately preceding them. Since therefore the sugar and tobacco trades are very different in their circumstances, we shall find ourselves under a necessity of separating our considerations concerning them, and humbly crave leave to begin with what relates to the *sugar trade*. The imports and exports of all American commodities should naturally depend on the demand there is for them in European markets; on the quantity of land improv'd in our Colonies; on the good or bad seasons there; and upon the security of navigation: But many other causes have been assign'd for the decrease in our exports of sugars,—such as the great charges attending our Navigation—the duties lying upon sugars at home—the 4½ per cent. paid in specie at the shipping of them in Barbadoes and the Leeward Islands—the importation of French sugars into Ireland—the great expence our planters are at in cultivating this commodity, some of our Sugar Islands being almost worn out, especially Barbados where many more hands and much more manure is requisite than in the fresh lands now planted by the French in Hispaniola—the great increase of the French Plantations in Hispaniola and Martinico and of the Dutch at Surinam and in the East Indies—and lastly, the extraordinary increase of our home-consumption, proceeding from the general use of tea and coffee, which reason alone

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might have been sufficient to account for the decrease in our exportations ; But if the luxury of other countries be increased in any proportion to ours, in these particulars, both our sugar works and our exportation should have increas'd in proportion to these new demands, if this branch of our commerce had not lay'd under great discouragements. Notwithstanding the best inquiry we have been able to make, we are very imperfectly appriz'd what duties or incumbrances lye upon French, Dutch or Portuguese sugars *etc.*, but according to such information as we have had, the duties on sugars in Martinico and the other French Plantations are about 2 p.c. and payable by the person who ships off the sugars from thence to France ; the exact duties payable upon their importation into France we cannot learn, almost each Province having different privileges, and the local duties and gabells, which may properly be term'd inland duties, are upon the consumption in France. At Rochell sugar pays 50 sols the 100^l. wt., and upon exportation most of that is repaid or drawn back ; at St. Malo it pays nothing on importation, and only a small duty on export to foreign countries, but upon carrying it into the towns of France it pays large inland duties ; Brazils, Muscovadoes and powder sugars pay in Holland ten pence the 100 *l*. and three pence and one third of a penny more additional duty established about 1688 or 1700, besides three per cent *ad valorem* ; our sugars are commonly valued about twelve to fourteen guilders the 100 *l*. English Barbados and Leeward Island sugars are generally enter'd in Holland as Paneel sugars from St. Thomas, which pay on the 100 *l*. 6 stivers besides $\frac{1}{3}$ *d*. additional duty, wch. is 3 stivers, and 3 p.c. on the value making 7 to 8 stivers. So that in all our dutys on sugars came to 16 stivers the 100 *l*. when sugars were about the price which they are now ; the duty upon export of refin'd sugars from Holland was one guilder five stivers or about 2*s*. 3*d*. pr. £100. But for the encouragement of refining houses, they reduc'd it about the beginning of the first war to one half ; and Dutch sugars imported into Holland from their Colonies in the East Indies, pay no duties at all. But the duties and incumbrances upon British sugars taken in the Colonies where they are made and upon their importation into Great Britain, are very heavy ; which must necessarily give a great advantage to foreigners. Some of these have already been mention'd, and might indeed more properly follow here ; because we do

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not find that either the extraordinary charges attending our Navigation, the duties payable upon sugar either in the Plantations or at home, the importation of French sugars into Ireland, or the great expence of cultivation, have in any sort diminished the usual importation of this commodity into Great Britain. On the contrary, importation is rather increas'd from a cause we shall afterwards assign; But undoubtedly all these difficulties and many others have proved great discouragements to the British planters and have enabled foreigners to go to market much cheaper than we can. We are informed that the Dutch import near 7000 tons of sugars yearly from the East Indies only, which cost there about 7*s.* per hundred, and pay no duty upon their importation into Holland, whereas the common price of sugars in Barbados, before they are shipp'd off, at a medium of late years may be computed at about 15*s.* the hundred besides the duty of 4½ p.c. paid in specie there, and 3*s.* 4*d.* per hundred upon their importation into Great Britain, and altho' 2/7½, part of this duty, is drawn back upon re-exportation, and 8½*d.* only remains, yet this being added to the charge of insurance, debentures, Custom-House fees, demurrage occasion'd by Custom House holidays, and all the other charges incident to shipping, does very much discourage the carrying of this commodity to a foreign market. Such is the inequality between the trade of the Dutch and that of your Majesty's subjects in this commodity; nor is that between the French and us much less; for besides the freshness of their land the French King gives great encouragements to all persons that settle in his Colonies, as freedom from quit-rent for certain terms of years, and the loan of materials proper for their business; and altho' we cannot certainly say to what value these encouragements amount; yet by the effect we find that the French are enabled to sell their sugars at least five shills. in the hundred wt. cheaper than your Majesty's subjects; and that they do actually import great quantities of their sugars, not only into your Majesty's Colonies upon the Continent, but even into your Sugar Islands, from which cause has proceeded some small increases of late years in the importation of sugars from Jamaica. But if these sugars have been enter'd at home as the produce of our own Colonies, your Majesty must have been much defrauded in your duties. There is likewise too much reason to apprehend that great quantities of foreign sugars are imported into Ireland; for

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altho' the use of tea and coffee is very much increased there, yet the exports of sugars from hence to Ireland, 1718-1722, have been about one-fifth less than they were in the five preceding years. The French planters have for many years receiv'd not only the greatest part of their provisions from your Majesty's Northern Colonies and from your Kingdom of Ireland, but likewise negroes and cattle from some of the British Sugar Islands; without which assistance it is generally believ'd they could not have been able to have gone forward with their sugar works; and therefore if in the infancy of these Colonies a stop had been put by law to so pernicious a practice, 'tis probable the French plantations had never increased to so considerable a degree; but now they are got to so great a head as to be able in some measure to stand upon their own legs, particularly in Hispaniola, we must humbly submit to your Majesty's great wisdom whether it may not be advisable to connive at this trade and carry the French sugars for them to foreign markets, rather than let them be the carriers themselves; and so much the rather because by this trade the Northern Colonies upon the Continent are probably enabled to pay the ballance which they yearly owe to Great Britain, not having commodities of their own produce to exchange against those they receive from us.

Most of the forementioned difficulties are peculiar to the Sugar trade. But there are some other disadvantages which the dealers in sugar share in common with all the rest of your Majesty's subjects trading to the British Plantations in America, namely the great depredations made by the pirates, and the Spanish Guarda Costas, particularly upon the ships coming from Africa with negroes, upon whose safe arrival the very being of the Plantations depends, which has occasion'd an excessive rise in the rates of insurance. From the same cause likewise our ships being freighted home, are for their own security oblig'd to come in fleets, wch. occasions their arriving later at foreign markets, and likewise much dearer than the French, by the addition of demurrage to their other charges. Upon this head we are sorry to observe that great complaints are made by the merchants in general of the negligence of the men of war in their several stations abroad, more particularly at Jamaica, where the inhabitants are yearly at £5000 expence in equipping armed sloops for the security of their trade; and as this charge must naturally fall upon the produce of the island, their sugars must bear the greatest part

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of it, and consequently come so much the dearer to market. The French and Dutch shipping, as we are inform'd, go out generally full freighted for their Plantations, but the contrary is affirm'd of ours, which must naturally be a further charge upon all the produce of our Colonies. We have not been able to learn what prices the French, Dutch and Portuguese sugars have borne for twenty years last past in foreign markets; but it is evident from what has been already observed, that they can afford to sell much cheaper than your Majesty's subjects; for the duties and incumbrances abovemention'd are so great a burthen upon the British sugars, that after all the charges attending them deducted, in a plentiful year they have barely paid the expence of their making, and the foreign markets have been sometimes so much clogg'd with French, Dutch and Portuguese sugar that they have sold from ten to twenty per cent. lower than our sugars could possibly have been exported from hence. Some years since brown sugars in Barbados sold from 23*s.* 9*d.* to 26*s.* 3*d.* the hundred, and in London from 50*s.* to 65*s.* the hundred. But of late years 17*s.* 6*d.* has been reckon'd a very good price in Barbados, and from 25*s.* to 28 or 30*s.* the hundred, is esteem'd a very good price in London. This is a very natural consequence from the great increase of foreign Plantations; for whilst this trade was wholly ingross'd by the Portuguese, as it was before we planted Barbados, Sir Josiah Child observes that white sugars were sold at seven pounds or eight pounds the hundred, but within the compass of his memory our Plantations reduc'd the price to 50*s.* or three pounds the hundred, and had quite beaten their muscovado sugars out of use in England. From all the particulars abovemention'd, it is evident the French and Dutch have a very great advantage in this trade over your Majesty's subjects, and that unless some means be speedily applied for putting this trade upon a better foot, in all probability the British Planters, far from being able to supply foreign markets, will not make sugar enough for the consumption of your Majesty's own Dominions. Many remedies have been offer'd for this purpose by the merchants. and planters, to which we shall add what has futher occur'd to our observation upon this head. Some remedies for this evil, we confess, are rather to be wish'd for than expected, whilst so many particular appropriations obstruct the way to the reduction of our duties upon this commodity. Many general charges upon shipping

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have likewise the sanction of Acts of Parliament, and the money thereby levied is appropriated to the repairs of peers, harbours and light-houses; a list of these charges which make us sail upon very unequal terms with our neighbours is hereunto annex'd. It were however much to be desir'd that the duty of $4\frac{1}{2}$ p.c. payable in specie upon the shipping of sugars in Barbados and the Leeward Islands might be taken off, because the lands in some of these islands, especially Barbados, being much decay'd, even without this tax they carry on their sugar works, as hath already been observ'd at a very extraordinary expence. It were likewise to be desir'd that the whole duty paid upon the importation of sugars into Great Britain might be drawn back upon the re-exportation, and the loss the publick revenues would thereby sustain, as well as by the reduction of the $4\frac{1}{2}$ p.c. in the islands, might, in our opinion be made good by a small duty upon loaf and refin'd sugar consum'd at home. We conceive it would be a great incouragement to the merchants if the debentures for their drawbacks were punctually paid them in a reasonable time, not exceeding one month, if the fees for these debentures were taken off, and the number of Custom House holidays abridg'd. And considering of what importance it is that the Plantations should be regularly furnish'd with negroes at reasonable prices, the coast of Africa ought always to be carefully guarded and the traders there effectually secur'd from pirates and from the depredations of the Spanish guarda-costas on their arrival in the American seas, who under the colour of lawful commissions commit frequent acts of piracy upon your Majesty's subjects, in direct violation of the treaties now subsisting between the two nations, which has occasion'd so great a loss to the British merchants trading to those parts that they think themselves justly entituled to letters of reprisal, as the only means left them for reparation. These evils might in great measure be prevented if the Captains of your Majesty's ships of war did their duty more exactly in their several stations abroad, repeating their cruizes more frequently, guarding the headlands and keeping a particular look out to the South West side of Hispaniola; But we are convinced by experience that this is not to be expected so long as the Captains of the men of war shall continue to be independent of the Governors and Councils of the respective Plantations where they are ordered to attend; We would

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therefore humbly propose to your Majesty that for the future all Captains of your Majesty's ships may be instructed to receive orders from time to time from the Governors and Councils of the respective Colonies in America where they shall be stationed for the preservation and security of the British trade in those parts, which we are inform'd is the practice of other nations. Such an Instruction duly complied with would be of great advantage to your Majesty's subjects in general, inasmuch as it would abate the present excessive rates of insurance, it would likewise save the Colonies much expence, particularly Jamaica, *etc.*, *ut supra*. The merchants and planters are of opinion that it would be a great encouragement to your Majesty's sugar islands if the importation of foreign sugars into Ireland were prohibited, and the duties in Great Britain upon rum and molasses of the produce of your Majesty's Plantations abated. They desire that no duties may be laid upon the importation of black or white servants into any of your Majesty's Colonies,—That the planters of the late French lands in St. Christophers who at present hold them by a very precarious title may be better secured,—That the Island of Nevis may be reliev'd from the terror of their capitulation with the French the last war, not being able to pay the £42,000 for which their ransom was stipulated, and that the inhabitants of Mountserrat may obtain some redress for the losses they suffer'd when they were taken and plunder'd by the French after the Peace of Utrecht. It has also been proposed that the produce of the British Plantations in general might be exported, under proper regulations, directly from the place of their growth to any foreign market to the southward of Cape Finisterre ; but as this is a matter of great consequence and would occasion a very material change in the Acts of Navigation, we shall humbly crave leave to lay before your Majesty the several objections that have been made to it, as well as the several reasons that induce us to believe that this proposal might prove beneficial to the commerce of Great Britain. The general objections to this proposal with respect to the Plantations, have usually been, that your Majesty's Colonies in America might thereby become independent of their Mother Country, that the Northern Plantations, more particularly New England, have already shewn too great a desire of being so, and that it would be contrary to the policy of all wise Governments, who secure the trade of their own Plantations entirely to themselves.

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But in case it should be thought advisable to make this alteration in the Laws of Trade, the method which we should humbly offer to your Majesty for doing it, as we conceive, would stand clear of these general objections, because we would propose that this permission should be restrain'd to British ships belonging to British owners dwelling in Great Britain, and duly navigated according to law, that such ships clearing from some port in Great Britain might be permitted to sail to your Majesty's Plantations to take in a loading there, consisting of the produce of the said Plantations and to carry the same to any foreign market to the southward of Cape Finisterre ; provided they were obliged afterwards to return to some port in Great Britain and unload there before they were allow'd to return again to any of your Majesty's Colonies in America. This proposal thus guarded, far from making the Colonies independent of Great Britain, would in our opinion tye them faster to us, inasmuch as by this means we should necessarily be the carriers of their product, which would naturally diminish their navigation and increase our own ; and if the Plantations in general were restrain'd from exporting any commodities whatsoever in their own shipping to foreign markets in Europe, excepting fish, the dependance of our Northern Plantations who are at present very powerful in shipping, whose produce is much the same with our own, and whose trade and interest too much interfere with ours, would in all probability be more firmly secured to us ; For as the law now stands the Northern Colonies do carry on a considerable trade to foreign ports in Europe with lumber, corn, and fish, which gives them too great an intercourse with foreigners and puts them under a temptation of furnishing themselves with many commodities from abroad, which they ought only to receive from Great Britain. But it still remains to be consider'd what effect this new method of trading to the Plantations may have upon the general trade of Great Britain ; and upon this head likewise some objections have been offer'd, namely that according to the present establish'd custom of navigation, sailors are paid their wages in the second port of delivery, from whence it would happen that much of our money would be spent abroad in foreign ports where the Plantation cargo should be unloaded ; and that these ships would probably be under a necessity of re-fitting in the same ports before they could be in condition to take in a fresh freight for Great Britain, which

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would likewise occasion a further expence of our money abroad ; It has also been said that some of the enumerated commodities, particularly rice, may be re-exported to several parts of Portugal from Great Britain, as cheap as directly from the Plantations, and have a greater chance of coming to a favourable market ; to which has been added the general objection of the danger of trying experiments in trade and of putting commerce out of it's usual channel. This last is an objection, not only to the present proposal, but even to all other new attempts in trade ; and therefore we shall content ourselves with observing that if this had been an establish'd maxim with our ancestors, many beneficial branches of trade which we now stand possess'd of, had never fallen to our share, more particularly the woollen manufacture. But as to the assertion of our being able to re-export rice or any other enumerated commodity to Portugal from Great Britain as cheap and to better effect than we can do it directly from the Plantations ; we beg leave to say it would seem to us very improbable, because of the inevitable increase of charge upon a second voyage. As to what regards the paymt. of sailors' wages in foreign parts, we would beg leave to observe that this custom of paying wages to sailors in foreign parts is a very pernicious one, and has been taken notice of as such by an Act pass'd in the 8th year of your Majesty's reign, *for the more effectual suppressing of piracy*, whereby it is already provided, under certain penalties, that no master of a ship shall pay above the one half of the wages due to his sailors in any foreign port ; and indeed considering this practice has been the main cause of the sailors' debauchery, extravagance, desertion and piracy, and of the ruin of their families at home, it were to be wish'd that the masters of trading ships might be further restrain'd in this particular and brought nearer to the custom of your Royal Navy where the sailors are furnished with necessaries whenever they want them, but receive no wages, let the voyage be never so long, till their return to Great Britain. The charge of re-fitting these ships in foreign ports still remains unanswer'd, and there is no manner of doubt that whatever expences may be necessary for this purpose, must be laid out when occasion shall require it, which may very often happen to be in foreign ports ; But as your Maty. has two ports of your own in the Mediterranean, that is to say Gibraltar and Port Mahon, if proper stores were lodged there by

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British merchants for that purpose, even this expence might in many cases fall into the hands of your Majesty's own subjects, and if it should not, it would still be worth consideration whether the advantages expected from this change in the course of trade, will not over-balance so small an inconvenience, which naturally leads us to the reasons that have been offer'd in favour of this alteration. It is alledg'd that the present duties and incumbrances on sugars and tobacco from the British Plantations are so very great that after the charges of commission and unloading paid, it often happens in a plentiful year that they do hardly pay the planters' original cost in making of them; after wch. it is very unlikely those commodities should be able to bear a second freight another charge of loading, a second commission and a repetition of all those other charges payable upon shipping at the Custom House and elsewhere, which have been taken notice of in a former part of this report as grievances upon trade, but all these they must pass through before they can find their way back again to a Southern market; from whence it happens that our re-exportation of the enumerated commodities to the southward is very inconsiderable, except in the article of rice for some few years of late to Portugal, which in all probability has been owing to the goodness of the commodity rather than to any other cause, tho' some persons attribute it to the cheapness of freight from hence in ships that go to fetch wine from Portugal. By this new regulation therefore it is probable we should gain a new market for the produce of the British Plantations. We should certainly be enabled to sell them much cheaper than we can at present, and all the profit accruing from their sale would be a new acquisition to the ballance of our trade. It is likewise very probable that we should thereby greatly increase our Navigation, by becoming the carriers of many commodities from the Mediterranean, Levant, Spain and Portugal to the northward; for the Dutch are almost always at war with the Algerines, and the Genoese who are at present the greatest carriers in the Mediterranean, are so likewise, for which reason they dare not venture to sea but in large ships, and the two most bulky commodities they have to freight with are rice and paper. But no place whatsoever produces better rice than Carolina, if any so good, and therefore if this permission were granted for the enumerated commodities, of which rice is one, we might thereby much diminish

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the navigation of the Genoese by interfering with them in so necessary a part of their freight. Before we conclude what we have to offer upon this subject, we must however observe, that your Majesty's revenue may be affected by this proposal unless care be taken to secure to your Majesty a duty in the Plantations upon the embarkation of these commodities equal to the duty left upon the re-exportation of them respectively from Great Britain to any foreign market, tho' the re-exportation of the enumerated commodities to the Southward is so inconsiderable at present that very small loss would accrue from this alteration to your Majesty's revenue. And whereas some of the commodities at present imported from the British Colonies, are so immediately necessary for the carrying on certain manufactures in Great Britain particularly naval stores of all sorts, beaver skins and peltry of several kinds, it might be adviseable to except these and all other commodities that may fall directly under the same description, out of this new regulation, in case the same should be approved of, that they may come out the dearer upon re-exportation to foreigners. And we humbly submit this matter to your Majesty's great wisdom, and beg leave to proceed in offering what may have further occur'd to us for the benefit of the *Sugar Trade*.

Tho' the French and Dutch planters have many advantages over your Majesty's subjects in this trade, yet it is certain that the greatest is that proceeding from the freshness of their lands *etc.* The most natural way therefore would be to follow their example and plant fresh lands with sugar canes, and in order to promote so necessary a work, in our humble opinion all possible means should be employed to compel the people of Jamaica either to plant or surrender those great tracts of lands in that island proper for sugar canes and indigo, which at present lie uncultivated. It is likewise humbly submitted to your Majesty's judgment, whether it might not be for the benefit of this trade that your Majesty should be generously pleas'd to take off the restrictions which lie upon such persons as shall settle in Tobago who are at present debarr'd by a particular Instruction from planting sugar there, tho' we are inform'd that no island in your Majesty's dominions is more capable of producing that commodity, nor better furnish'd by nature with rivers proper for turning mills necessary for grinding of the sugar canes. Encouragement likewise should be given for planting all other islands

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belonging to your Maty. capable of producing sugars, etc.

We now humbly offer what has occur'd to us relating to *Tobacco*. We have already observ'd, from the Inspector General's accounts, that this trade is at present in a thriving condition; and the merchts. concern'd in it in the Memorial laid before us relating to the Tobacco trade, seem to have very little to desire. They say the late Act *for enabling H.M. to put the Customs of Great Britain under one or more Commissions and for better securing and ascertaining the duties on tobacco and to prevent frauds in exporting tobacco etc.*, having given great encouragements, they have nothing further to ask of your Majesty, but that the coast of America may be well guarded, and that your Majesty would be graciously pleas'd to interpose with the several Princes of Europe that the British Tobacco, manufactur'd and in leaf, may be imported into their dominions upon as easy terms as the tobacco of other nations, and to pay no further duties upon their removal out of one part into another of the said dominions respectively than they paid at their first entrance, and indeed considering how fully we have deliver'd our sentiments to your Majesty on the Sugar Trade, wherein we have already taken notice of all the incumbrances which affect the trade to your Majesty's colonies in general and humbly propos'd such methods as appear'd to us most proper for removing them, we shall have less to offer upon this subject. The merchants trading to Virginia and Maryland have alledged no other reason for the excess in the imports or exports of tobacco, but the increase of people in Virginia and Maryland who have made fresh plantations there. As to the duties or incumbrances on tobacco, the merchants do not complain of any at the places of its growth, and the duties laid upon it by Parliament here at importation are three farthings per pound paid down, and bond for ———. The prices of tobacco at home and abroad vary according to the crops, quality and quantity imported from America, and the quantity, made in Europe; but what the prices either of tobaccos are at foreign markets, the Virginia and Maryland merchants know not. Neither have we been able to learn what duties or incumbrances lie thereon abroad, save that the tobacco land pays about a double land-tax both in the Dutch Provinces and the Empire. That British tobacco on importation into the province of Holland pays about 4s. duty on the cask of 6 to

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700*lb.*, and two per cent. more on the value ;—That at Hamburgh all English product pays about two pr. cent. on the value ;—and that Spanish tobacco pays the same with ours. This is all we have been able to collect from the merchants ; but we think it our duty to take notice that your Majesty's subjects have many rivals in this as well as in the Sugar Trade, that there are great plantations of tobacco in several parts of Europe ; In the entries of our Office in 1707 we find a very full account of these Plantations (B.T. Trade D. *f.* 465) ; and since the merchants more immediately concern'd in this trade have been so very short in their informations to us concerning it we shall beg leave to insert what we have collected from our books upon this subject.—*Here follows an account of tobacco grown in Holland etc. in 1707, concluding* :—"It appear'd by letters from merchants at Riga and Revel that about 13 years before, that is in 1694, the consumption of the Plantation tobacco of this Kingdom was very great in those parts, amounting yearly to about 800, or 1000 hogsheads as well in roll as cut, which was sold at very high prices, but that at that time (*vizt.* 1707) we were almost beat out of those markets by the cheapness of Dutch tobacco imported there to double the quantity of what us'd formerly to be sent from hence, and that the Dutch had so far ingross'd the tobacco trade in the North, that several parcels of our Plantation tobacco had lain in the merchants warehouses at Riga and Revel five, six or ten years." We have but too much reason to believe that these plantations are rather increas'd than diminished since the time the abovemention'd report was made ; and therefore if we do really continue to export greater quantities than formerly, and the increase in the Inspector General's accot. for the five years from Xmas 1717—1722 does not in some measure arise from the frauds lately discover'd in the tobacco trade, the share we preserve in this commerce must be chiefly owing to the peculiar quality of our tobacco which creates a demand for it in some foreign parts, more particularly in France at present ; and therefore it is necessary that all proper means should be taken to discourage the importation of bad tobacco from our Colonies, which we hope may in some measure be prevented by the late act. It were likewise to be so desir'd that all the general grievances on the Plantation trade already touch'd upon in the former part of this report upon the Sugars, might be remov'd, whereby the tobacco

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planters may be enabled to make this commodity cheaper; but more particularly that the negroes trade may be well secur'd and the coasts of America better guarded than heretofore. And considering the Pursers of your Majesty's ships of war do exact a very great price for the tobacco which they retale to the sailors, no less than nineteen pence for the pound, it were reasonable they should be oblig'd to purchase whatever tobacco they may want for this purpose, in Great Britain, whereby the trade of our own Colonies would be promoted and your Majesty's revenues increas'd *etc.* We are sensible our representation is not so perfect as we could have wish'd it might have been; for the informations we have hitherto receiv'd are deficient in many particulars, which might possibly have been amended if we had taken time to write to your Majesty's Ministers and Consuls in foreign parts and to receive their answers to the several queries in the Order of Council; But as this would have requir'd much time and considering we were directed to use all convenient dispatch in our inquiry, we thought it our duty to lay the same before your Majesty, in the best manner we could, without further delay. *Annexed,*

- 291. i. Returns by the Inspector General of Customs of imports and exports of Sugar and Tobacco 1703-1722.
- 291. ii. Charges attending a sugar ship of 100 tons from the Plantations in respect to the ship only. *Total, £44 11s. 2d. [C.O. 389, 28. pp. 175-219; and (covering letter only) 388, 78. f. 104.]*

July 24. **292.** George Bampfieid to [? Mr. Popple]. Desires that an Act of New York *for settling the estate of Thomas Lewis, late of the City of New York* may be laid before H.M. for confirmation. *Signed, Geor. Bampfieid. Endorsed, Recd., Read 24th July, 1724. $\frac{3}{4}$ p. [C.O. 5, 1053. ff. 220, 220v.]*

July 26. **293.** Governor Nicholson to the Council of Trade and Plantations. *Refers to letter of 18th June* and enclosed list of gentlemen fitt to serve in H.M. Council *etc.* *Continues:* I most humbly beg your Lordps. pardon for not transmitting such an accot. before butt I have found the people so variable that I durst not presume to send to your Lordps. the names of any Gent. before. I have not yett gott all the journals of our late Assembly but I hope to send them by the Honble. Capt. William Martin Commandr. of H.M.S. *Blandford* and that he will sail in ten days *etc.* *Refers to enclosures etc.,* "by which yor. Lordps. may please to see the state of our trade. I think the last tarr for Great Brittain is now shipped because the bounty expires

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ye 29th of Sept. next but we are uncertain when that upon pitch expires whether next January or next Janry. come twelve months. I thank God the country's now very healthy and we have had of late rains and very seasonable weather so that we have a good prospect of our crops both rice and Indian corn. We are dayly in hopes of a ship from London by which I hope we shall have good news from Great Brittain in all respects and that I shall have the honour to receive yor. Lordps.' commands" *etc.* *Signed*, Fr. Nicholson. *Endorsed*, Reed. 8th Sept., Read 29th Oct., 1724. $1\frac{3}{4}$ pp. *Enclosed*,

293. i. Address of Council of S. Carolina to Governor Nicholson. At close of Assembly, return thanks for his constant zeal for H.M. service and the interest of his Province. *Pray that* his Government may be long and prosperous *etc.* 13th June, 1724. *Copy*. 1 p.

293. ii. Speech of Governor Nicholson to the Council. June 17th, 1724. Returns thanks for their Address and thanks them for the extraordinary zeal they have always shown "for the promoting of those two inseperables H.M. interest and service and this H.M. Province and for maintaining 'H.M. royal and just Prerogative" *etc.* *Signed*, Fr. Nicholson. *Copy*. 1 p. *Nos. i and ii endorsed as covering letter.*

293. iii. Minute of Council of S. Carolina, 25th June, 1724. H. E. having recommended the Council to make a list of twelve gentlemen proper to supply vacancies, resolved that the following are proper;—Joseph Blake, Thoms. Broughton, Charles Hill, George Chicken, Joseph Wragg, Willm. Cattel, John Fenwick, Thomas Waring, Richd. Woodward, Peter St. Julian, John Hutchinson, Edmd. Bellinger. *Same endorsement.* *Copy*. $\frac{1}{2}$ p.

293. iv. (a) Governor Nicholson to Arthur Middleton, Ralph Izard, Benja. Schenkingh, three members of Council, 17th July, 1724. Suggests that they prepare the draught of a report upon the state and trade of the Province, before they meet in Council. (b) They reply, 21st July, that the merchants can do this best and ask the Governor to have such a draught prepared *etc.* *Continue*: We entirely agree with your Excellency that if some means cannot be found to hinder vessells from New York trading with the French at Movile it will be of fatal consequence to this Province *etc.* *Signed*, Ar. Midleton. 1 p.

293. v. Mr. Hart, Secretary of S. Carolina, to Governor Nicholson, 21st July, 1724. Delivers preceding letters *etc.* *Signed*, Cha. Hart. *Copy*. 1 p.

293. vi. Naval Officer's List of ships now in harbour bound for Great Brittain. 12 vessels of 160 to 40 tons.

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Signed, Wm. Hammerton. *Endorsed as covering letter*. 1 p. [C.O. 5, 359. ff. 203, 203v., 204v.—205v., 206v., 207, 208v.—210, 212v.—213v.; and (*abstract of covering letter*) 5, 406. p. 19.]

July 29. **294.** Bryan Wheelock to Mr. West. Encloses Act of New York, 1719, for *settling the estate of Thomas Lewis, late of the City of New York, deceased*, for his opinion thereupon. [C.O. 5, 1124. p. 354.]

July 29. **295.** Governor Worsley's precept to the Provost Marshal to convey Robert Elston, Commander of the *St. Christopher* galley, and Benjamin Bush, surgeon, on board the *Montserrat Merchant* for England, they being in custody under a warrant by the Judge of the Vice-Admiralty Court. *Copy*. 1½ pp. [C.O. 28, 39. No. 16.]

July 29. **296.** Council of Trade and Plantations to the King. Whitehall. *Enclose following. Annexed*,

296. i. Draught of Additional Instruction to Governor the Duke of Portland for passing an Act to continue for one year from 1st Oct. next the Revenue Act of Jamaica of 1703, and the several laws of that Island depending thereupon. *Cf.* July 15th and 23rd. *With emendations by the Lords of the Council. Signed*, G. R. 30th July, 1724. [C.O. 138, 16. pp. 485–490.]

July 30. **297.** Order in Council. Approving *preceding*. *Signed*, Whitehall. Edward Southwell. *Endorsed*, Recd., 31st July, Read 5th Aug., 1724. 1½ pp. [C.O. 137, 14. ff. 359, 359v., 360v.]

July 30. **298.** Duke of Newcastle to Governor the Duke of Portland. Whitehall. Your Grace's letter *etc.* of 4th March last to my Lord Carteret, having been put into my hands, I lost no time in laying them before the King; and I had sooner returned your Grace an answer, but that I waited this opportunity to acquaint you with H.M. pleasure concerning the laws of Jamaica, which are proposed to be renewed by the Act transmitted hither by your Grace for that purpose. The draught of this Act being under the consideration of the Lords Commrs. of Trade, they found themselves under more difficulty in forming their judgment upon it than was at first apprehended; and in regard the time might not be sufficient for the same to pass before the present Revenue law, and the Acts depending on it, would expire; and considering likewise the importance of the case, and the consequence of such an expiration, they represented it as their opinion to H.M., that your Grace should be instructed to pass an Act for continuing the revenue and laws of Jamaica depending upon the present Revenue Act, for the space of one year, or

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until H.M. pleasure should be known thereupon. This representation of the Lords Commrs. of Trade was accordingly laid before the King and Council; and H.M. being pleased to approve of the expedient proposed by them, directed them to prepare the draught of such an Instruction as might best answer the purposes before mentioned. Such an Instruction having accordingly been prepared and approved by H.M. in Council, I herewith transmit the same to your Grace by H.M. command; and I hope it may arrive time enough to prevent any ill consequences that might otherwise happen upon the expiration of the sd. laws, before H.M. pleasure be signified concerning the renewal thereof. Neither do I apprehend, that yor. Grace can meet with any difficulty in prevailing with the Council and Assembly to pass such an Act as is proposed, since the intent of it is purely for the good and quiet of the Island, and in order to prevent that confusion, wch. the want of such a law would occasion to all persons concerned in trade there. H.M. would have your Grace endeavour to make them sensible of this instance of His gracious intentions to His subjects there, that altho' the present time be not sufficient for such a thorough consideration of the Act transmitted by yor. Grace, as the nature and circumstances of it seem to require, yet by pursuing the method prescribed by H.M., there will be no interruption in the due course of law and justice in the Island. I have laid before H.M. the Address of yor. Grace and the Council of Jamaica, upon the occasion of the supply of stores and ammunition, which has been sent thither, wch. Address H.M. reced. very graciously, and is extremely well satisfied with the gratefull sense expressed therein of what H.M. has done for the relief and service of that island. H.M. having been moved in behalf of Mr. Samuel Moore that he might be nominated of the Council in the room of Capt. Morant decd., hath been pleased to consent to it upon your Grace's request, and you may be assured that I shall be ready upon all occasions, where it may be for H.M. service, and agreeable to yor. Grace, to pay a particular regard to your recommendation. As to the other points contained in your Grace's letter, I have not yet been able to receive the King's commands upon them so particularly as I propose to do. I am very glad to hear that yor. Grace is perfectly recovered of yor. late indisposition *etc.* Signed, Holles Newcastle. *Enclosed,*

298. i. H.M. Additional Instruction to Governor the Duke of Portland. Kensington. 30th July, 1724. Where as an Act was passed in the General Assembly of Our Island of Jamaica in 1703, *for raising a Revenue to H.M. etc.*, and confirmed by Her late Majesty 17th Aug., 1704, whereby several duties were laid *etc.* for the support of the Government *etc.* for 21 years, from 1st Oct., 1703; and whereas it was thereby likewise

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declared that all such laws of Jamaica as had been confirmed in Council by King Charles II, 1684, for 21 years and were not repealed by the sd. Act, or before the date thereof, should also continue in force for the space of 21 years, *etc.*, which term will expire 1st Oct. next; and whereas pursuant to Our royal pleasure signified to you, 27th Aug., 1723, you have transmitted to Our Commissrs. for Trade and Plantations, a bill passed by Our Council, and the Assembly of our said Island of Jamaica, in the month of Jan. last, *for granting a revenue to H.M. etc.*; which bill being of very great consequence to Our service, and the interest of Our subjects in that Island, and Our sd. Commrs. having represented to us, that the same will require so much time for the mature consideration thereof, that the above recited Act passed in 1703, and the other laws depending thereupon will expire before Our pleasure can be known concerning the said bill. The consequence whereof would involve Our said Island and all persons trading there in very great difficulties, inasmuch as without fresh authorities from us no Assemblies could be held there, the law for establishing Assemblies being among those which expires with the said Act, as likewise those Acts for regulating the proceedings of Courts of Judicature, so that it would be impossible to have any regular proceedings in the Courts of Justice there; Wherefore out of tender regard to our good subjects of Jamaica, and for preventing the confusion that must naturally happen to that island and to all persons concerned in trade there, if the laws depending upon the sd. Act should expire, We have thought fit hereby to direct and require you forthwith to represent to Our Council and Genl. Assembly *etc.* the importance and necessity of their passing an Act to continue for one year more the revenue and laws depending upon the sd. Act passed in 1703 *etc.*, to wch. we are hereby graciously pleased to allow you to give your consent. *Signed,* G. R. *Copy.* [C.O. 324, 35. pp. 76-80.]

July 30. **299.** H.M. Warrant to Governor the Duke of Portland for
Kensington. admitting Samuel Moore into the Council of Jamaica. *Counter-*
signed, Townshend. [C.O. 324, 35. *Copy.* p. 81.]

July 30. **300.** Council of Trade and Plantations to Governor the
Whitehall. Duke of Portland. *Acknowledge* letter of 4th March with
Revenue Act and Act for augmenting the Governor's salary.
Describe proceedings thereupon (*v.* 15th July *etc.*), and refer
to Additional Instruction (July 30th). *Continue:* We presume

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your Grace will receive it by this conveyance. We are a good deal surprized at the Assembly's refusing to insert a clause in the Revenue Bill to prevent its taking effect till H.M. pleasure had been known. But your Grace certainly did right not to pass it without such a clause, and by so doing have found out the only expedient that was left you to come up to the intention of your Instructions; But this is not the only instance wherein they have shewn an obstinacy very ill becoming the situation they are in, and no ways answerable to the gracious disposition H.M. has of renewing their Laws. Tho' we have not yet fully considered the whole Bill, yet we apprehend there are so many objections to it, that it will not meet with approbatn., But we shall take the first opportunity of considering this bill and the several Acts of Jamaica now before us, in order to lay them before the King *etc.* We have transmitted your complaint *etc.* against Capt. Laws to the Secry. of State and the Admiralty. Capt. Laws is now in England, and we make no doubt, but the Lords Commrs. of the Admiralty will have taken notice to him of what yr. Grace transmitted hither; and if anything be done thereupon, you must expect to hear of it from them, or from one of H.M. Secretaries of State. We have made so full a Representation to the King upon the proceedings of ye Spanish Guarda Costas, that we make no doubt but all due care will be taken by our Minister at the Court of Spain to prevent the like for ye future. We had no objection to the restoring Mr. Moore to be of the King's Council, *etc.*, whom H.M. has been graciously pleased to appoint accordingly. We shall always have a due regard to such Gentlemen as your Grace may recommend to us to serve the King in that station. But we must observe to your Grace, that you are not to appoint any Councillors, unless the number be under seven; and in that case your Grace will find by your Commission, that H.M. confirmation is necessary. [C.O. 138, 16. pp. 491-494.]

July 31. **301.** Governor Worsley to the Duke of Newcastle. *Ac-*
 Barbados. *knowledges* letter of 2nd April *etc.* *Continues:* On the 16th past I dissolved the late Assembly, which was about a month before their time of sitting would have expired, and on the 6th instant had a new Assembly chosen in order to give them time sufficient to amend the errours, that, for many years last past, have crept into the Excise Bill, which is the only support of this Government, and would have expired the 8th of the next month. The elections were carried on this year with the greatest peace and unanimity, and almost without any opposition in any parish. The Assembly has already passed a new Excise bill, and I have taken all the care I could to have it drawn up according to H.M. Order in Council, 30th April. *Refers to enclosed depositions, upon which, Robert*

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Elston was committed by the Judge of the Admiralty and the two evidences were secured; and as the crime the said Elston is accused of was committed upon the high seas, and could not be tried here, I have, according to the 99th Article of H.M. Instructions, sent him home, and at the same time Benjamin Bush, one of the proofs along with him, the other having made his escape. They go on board of the ship *Mountserratt etc.* I have been obliged to keep these people some time in that none of H.M. ships of war were going home, and as no merchantman cared to receive them on board I don't find by my Instructions I could oblige them to do it, which I have the honour to represent to your Grace, and to begg H.M. commands thereupon, in case any accident of the like nature should happen for the future. *Signed*, Henry Worsley. *Endorsed*, R. 22. Oct. 5 pp. *Enclosed*,

301. i. Governor Worsley's warrant to Antepas Marshal, Master of the *Montserrat Merchant*, for carrying Robert Elston and Benjamin Bush to England for trial of the former. Pilgrim, 29th July, 1724. *Signed*, Henry Worsley. *Copy*. 1½ pp.

301. ii. Capt. Marshall's receipt for the bodies of above. 30th July, 1724. *Signed*, Antepas Marshall. 1 p.

301. iii. Duplicate of No. i.

301. iv. Certificate that following depositions are genuine. 29th July, 1724. *Signed*, Henry Worsley. 1 p.

301. v. Deposition of William Atkinson, Mariner. 13th April, 1724. On 25 Jan. last, off Guinea, John Atkinson and Joseph West died from the effects of beatings inflicted on them by Capt. Robert Elston, of the *St. Christopher's* galley. The doctor of the vessel and the said two mariners told deponent that the said bruises might occasion their deaths *etc.* *Signed*, William Atkinson. *Copy*. 1 p.

301. vi. Duplicate of preceding.

301. vii. Deposition of Dr. Bush. 13th April, 1724. Corroborates No. v. *Signed*, Benja. Bush. 1¾ pp.

301. viii. Duplicate of No. ii.

301. ix, x. Duplicates of No. iv.

301. xi. Duplicate of No. vii.

301. xii. Duplicate of No. v. [C.O. 28, 44. Nos. 70-74, 74(b)-76, 83-87.]

[July 31,] 302. Extract from above letter relating to Elston. 1½ pp. [C.O. 28, 44. No. 125.]

Copy of 99th Article of Gov. Worsley's Instructions. [C.O. 28, 44. No. 126.]

July 31. Barbados. 303. Governor Worsley to the Council of Trade and Plantations. Duplicate of first paragraph of preceding letter. P.S.

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I have for the last six weeks been so very much indisposed, that I have not been able to answer the queries your Lordships sent me *etc.* *Signed*, Henry Worsley. *Endorsed*, Reed. 22nd, Read 28th Oct., 1724. 2 pp. [C.O. 28, 18. ff. 106, 106v., 107v.]

July 31. **304.** Five depositions taken in St. Christophers relating to the settling of the lands in dispute between John Burnet and Jeremiah Browne (*v.* Nov. 19th) made and signed by Robert Jamesone, John Maning, Edward Warner, Senior, his mark, William Wooddrop, Charles Payne. 5¼ pp. [C.O. 152, 14. ff. 411-415v.]

Aug. 1. **305.** Certificate that the above depositions were duly sworn.
St. *Signed and sealed*, Jo. Hart. 1 p. [C.O. 152, 14. f. 410.]
Christophers.

Aug. 1. **306.** Deposition of John Burnet. On 28th July he gave notice to Jeremiah Browne that he intended to examine *above* witnesses before John Greatheed at Sandy Point on 31st July *etc.* They were not sworn till 5 or 6 of the clock, but Browne never attended. *Signed*, Jno. Burnet. *Nos.* 304-306 *endorsed*, Reed. (from Mr. Sharp), Read 11th Dec., 1724. 1 p. [C.O. 152, 14. ff. 416, 416v.]

Aug. [-] **307.** Caveat, on behalf of the Lords Proprietors, that no commission for a provisional Governor of S. Carolina may be issued without notice given to their Secretary, to the end they may be heard, touching their right to appoint a Governor *etc.* *Signed*, Ri. Shelton. [C.O. 5, 290. p. 167.]

Aug. 4. **308.** Mr. Burniston to the Council of Trade and Plantations. His ill state of health has prevented his waiting on the Board to represent that he has delivered to the Secretary all the yearly accounts remitted to him by his Deputy, Mr. Armstrong, who is now ready to wait upon them. He has a very fair reputation from Governor Shute and all that know him. "He left my affairs under Lt. Governor Wentworth." *Refers to* his letter of 5th June *etc.* *Signed*, C. Burniston. *Endorsed*, Reed., Read 19th Aug., 1724. 2 pp. [C.O. 5, 869. ff. 52, 53, 53v.]

Aug. 5. **309.** Bryan Wheelock to Lt. Governor Wentworth. In
Whitchall. Mr. Popple's absence, *acknowledges* letters of 20th Aug. and 27th Dec., 1723 and 6th April last. *Continues*: My Lords Commissioners are concerned to hear that there has been so much injury done to the King's woods, but hope by your care they will be preserved better for the future; Their Lops. did design to have made a Repn. to the Treary. to set forth the charges and trouble you were at on this occasion, but being informed that you have acted as Mr. Burniston's Deputy since Mr. Armstrong's return hither, and finding by your letter to Mr.

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Burniston of the 5th June, 1724, that you do act as such, their Lordships are of opinion that he is the proper person to apply to, for any expence you may be at. Their Lordships have transmitted to the Duke of Newcastle what you writ relating the ship building in the Massachusetts Government, and desire that you will continue to give them an account from time to time of anything that may occur for H.M. service *etc.* [C.O. 5, 915. pp. 409, 410.]

Aug. 5. **310.** Governor Nicholson to the Council of Trade and Plantations. This is designed (God willing) by the Honble. Capt. Martin *etc.* *Transmits Journals. Continues:* By these yor. Lordps. may please to see that the upper House of Assembly were of opinion that the Assembly ended the 17th but by ye Lower it ended the 16th and by the journal yor. Lordps. may see the reasons thereof and that yor. Lordps. may determine whether H.M. Honble. Council and myself or ye Commons were in the right I herewith send yor. Lordps. a copy of the Ellection Act. This last Sessions we have for ye most part found that the Lower House have very strangely acted (and in my humble opinion like Common Wealth men) assuming to make resolutions *etc.* without the consent of H.M. Honble. Council or myself nay even without advice and with submission to your Lordps. I think this will plainly appear by the two Journalls. *Encloses* extracts from the Journals. *Continues:* They are upon all occasions insisting on their old priviledges as they call it in ye Proprietours' time some of which I think very inconsistent with the King's Government. I was in hopes before this to have had a general meeting of H.M. Council in order to have given your Lordps. a just and full accot. of all our affairs but it being the busiest time of the year for their crops and it having pleased God that some rains and storms have been of late wch. I am afraid hath done some damage to their crops for which reasons I believe I shall not be able to gett a meeting of H.M. Council in less then ten days or a fortnight but I am in hopes that by the later end of this month a ship or two will sail from hence to Great Brittain and to have the honour by them to send to yor. Lordps. the account of affairs *etc.* P.S. *Encloses* duplicate of 30th July and Treasurer's accounts *etc.* *Signed, Fr. Nicholson. Endorsed, Reed. 27th Oct., Read 3rd Nov. 1724. 2 pp. Enclosed,*

310. i. Accounts of the Revenue of S. Carolina, 1st Jan.-25th July, 1724. *Total, receipts, £26,599 11s. 4d., showing balance of £5666 5s. 5d. Signed, A. Parris, Treasurer. Endorsed, Reed. 27th Oct., 1724. Seal. 2½ pp.*

310. ii. Minutes of Council and Assembly of S. Carolina, 27th-28th July, 1724. *Endorsed as preceding. 1½ pp.*

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310. iii. Exports of S. Carolina, 25th March–31st July, 1724. Barrels, to Great Britain, rice 5,401, pitch 11,276, tar 6,068; to the Plantations, rice 1,256, pitch 13,158, tar, 367. *Signed*, Wm. Hammerton, Navl. Officer. *Same endorsement*. 1 p.
310. iv. Proclamation, 1st Sept., for enforcing the Act *for calling in and sinking the paper bills* by 15th Oct. *etc.* Arrears of taxes since 1720 must be paid in 15 days. *Signed*, Fr. Nicholson. *Same endorsement*. *Copy*. 1 p.
310. v. Proclamation, 22nd July, 1724, for enforcing sections x, xi, and xii of the Act *for the encouragement of the trade to America*. *Signed*, Fr. Nicholson. *Copy*. 1 p.
310. vi. Proclamation, 26th June, 1724, charging all persons who have any wills in their custody, forthwith to exhibit and prove the same, and also to return inventories of the estates of the deceased, as the law directs *etc.* *Signed*, Fr. Nicholson. *Copy*. 1 p.
310. vii. Proclamation, 26th June, 1724, forbidding the harbouring of sailors deserting from their ships and quoting the Act *for the more effectual suppression of piracy*. Great complaints have been made of many evil disposed persons entertaining such deserters, which too often occasions their turning pirates *etc.* *Signed*, Fr. Nicholson. *Copy*. 1 p. *Nos. v–vii endorsed*, Recd. 27th Oct., 1724. [*C.O.* 5, 359. *ff.* 214–215v. (*including abstract*), 218, 218v., 219v., 220, 221v., 222, 223, 224–226, 227, 228, 228v.; and (*abstract of covering letter*) 5, 406. p. 19.]

Aug. 6.
Whitehall.

311. Council of Trade and Plantations to the Duke of Newcastle. *Representation* upon the Revenue Bill passed by the Council and Assembly of Jamaica *etc.* :—Having received ye opinions of the Lords Commrs. of H.M. Treasury and of H.M. Attorney and Solicitor General thereupon, we do find the sd. bill lyable to many objections; The Assembly have estimated their establishmt. at 8000 *li* per annum, which they conceive to be adequate to all the constant annual expences of that Governmt.; But the two Independent Companies which have been in Jamaica many years, and are likely to continue there, are not included in this establishment, tho' they are provided for at present for one year by a separate Act. There is no provision made by this bill for the debts of the Governmt. already contracted. The funds given by this bill, are design'd to raise the sum of 8000 *li*, but being only laid by way of increase upon certain commodities already rated, it is very doubtful, whether they will be sufficient for that purpose.

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And tho' the Assembly have engaged themselves to make good any sum they may fall short of 8000 *li*; yet this is only a promise on their part, wch. future Assemblies may dispute: But their Laws would by this bill in all events be made perpetual, and they are under no sort of engagemt. to provide for any accidental emergency of the Government, not included in this establishment. If the funds given by this bill fall short, the deficiency is to be provided for as abovementioned; But if they exceed, the surplus is lyable to the appropriation of future Assemblies: But the surplus ought to have been left to H.M. disposition, because the Assembly do by this bill take upon them to make the patrimonial revenues of the Crown a part of the funds for the support of the Government. The extraordinary increase of duties upon such liquors as are usually imported into Jamaica from G. Britain, which make a part of these funds, are contrary to the intention of that Instruction, whereby H.M. Governors are prohibited from giving their assent to any Acts immediately affecting the trade or shipping of Great Britain. The Receiver General of the Revenues by this bill, is to account only with the Governor, Council and Assembly, or a Committee thereof; But the said Receiver ought to account to the Lords Commrs. of H.M. Treasury, or with the Auditor of H.M. Plantations, pursuant to the Instructions to all Governors in that behalf. And lastly, the clause inserted in this bill for the continuation of their Laws, is conceived in such imperfect terms, that all the temporary laws of the said Island now in force, except some few particularly excepted in the said bill, would be thereby made perpetual. Wherefore considering that this may be the best opportunity H.M. will have to engage the people of Jamaica to make such a firm and lasting provision as may be suffict. for H.M. service, and for their own security, and that it is of the utmost importance that the law for that purpose should be conceived in proper and effectual terms, since H.M. has been pleased to approve of the expedient we lately proposed for continuing the present Revenue Act and Laws of Jamaica, for one year *etc.*, whereby time will be gained to consider maturely of such a law, we would humbly propose that H.M. may be pleased to direct his Attorney and Solicitor General to form the drat. of a bill for this purpose, as near the plan of that sent from Jamaica, as may be, free from the sevl. objections to which the present bill is lyable; and that the said draught so prepared may be afterwards transmitted to His Grace the Duke of Portland, wth. orders to recommend the same to the Council and Assembly of Jamaica, as the terms upon which H.M. will be graciously pleased to renew their Laws. *Autograph signatures.* 4 pp. [C.O. 137, 46. No. 43; and 138, 16. pp. 495-500.]

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Aug. 8.
So. Carolina.

312. Governor Nicholson to [? *Charles Delafaye*]. Honble. Sr., Pray give me leave to congratulate your being appointed Deputy Secretary of State to his Grace the Lord Duke of Newcastle, so that all H.M. Governmts. will be happy under your administracon, *etc.* If his Grace is willing to have an accot. of this H.M. Province Francis Yonge Esq. one of H.M. Honble. Council and present Agent for this country will wait upon his Grace and I have writ to the Honble. Kingsmill Eyre Esq. Agent for H.M. Independent Company of Invalids here and transmitted to him accots. of this H.M. Province and I have desired him to solicit for the obtaining H.M. Royall lycence to goe for Great Brittain in which I begg yor. assistance which will be an adition to ye many favours reced. from you by him who is yor. most affectionate friend and faithfull humble servant, *Signed*, Fr. Nicholson. *P.S.*— I desire you'll please to give the humblest of my service to yor. good Lady and family, and when please God I arive in London I design to wait upon them and to have the honour of presenting them with some Indian and other things of this country, *etc.* *F. N.* 1½ pp. [*C.O.* 5, 387. *No.* 45.]

Aug. 8.

313. N. Torriano to the Council of Trade and Plantations. Further remarks, in reply to enquiries by the Board of Trade, *cf.* July 20th. *Points out* the disadvantages to British trade and navigation of permitting sugar, tobacco and rice to be carried direct to the ports of Europe S. of Cape Finisterre. *Concludes:* As to what your Lordps. mentioned in relation to the ships in New England, I think the inhabitants of the Collonies ought not to be [? *restricted*] from building and freighting their own ships; nor be compell'd by any law to sell them here at arrivall. For the commodities produced in N. America are mostly naval stores or provisions, which being very bulky, it would be impossible for them to transport them, if so debarred *etc.* *Signed*, Nathaniel Torriano. *Endorsed*, Recd. 8th, Read 11th Aug., 1724. 10 pp. *Torn.* [*C.O.* 388, 24. *No.* 163.]

Aug. 9.
New York.

314. Governor Burnet to the Duke of Newcastle. *Acknowledges* letter of 2nd April, *etc.* *Repeats compliments of* 20th May to one, "whose family had always shewn so much friendship to my father" *etc.* *Continues:* I have likewise received another letter from your Grace, of the 13th May by the hands of Mr. Couturier a French gentleman; to direct me to cause two Indians to be delivered to him, who were taken from him by Govr. Nicholson. These Indians were never brought hither, but the person who received them from Govr. Nicholson, being one Vincent, an inhabitant here: I have shewn him H.M. commands, and will serve him with a copy of your Grace's letter *etc.*, to be produced to Govr. Nicholson, that he may have

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a bond delivered to him, which he was obliged to enter into in Carolina, *not to deliver them to any French man etc.* This Vincent has likewise undertaken to me, to go to the Leeward Islands where he left these Indians *etc.*, and to deliver them to Mr. Couturier *etc.* I beleive injustice and hardships have been done to this gentleman, yet it cannot be compared to the many ill practises of the French of Canada, who spare no pains to excite the Indians against the English everywhere, and who are now the entire managers of the Indians now at war with Boston. I have taken the most effectual way I could think of, to prevent the like mischiefs from the Indians near this Province, by inviting them to a free trade at Albany in this Province, and by getting a law passed to prevent trade with the French, for such goods as are proper to be sold to the Indians, by which means great numbers of them who used to go to Canada, come now to trade here, and thereby grow familiar with us, and unwilling to break with us on any account. I have found the good effects it has already had, in pursuance of my Instructions, to prevent all such dangerous trade and correspondence with the French of Canada, and have given fresh instances of it in my letter *following etc.* Signed, W. Burnet. *Endorsed*, R. 2nd Oct. 4 pp. *Enclosed*,

314. i. Duplicate of following. [C.O. 5, 1092. Nos. 32, 32 i.]

Aug. 9.
New York.

315. Governor Burnet to the Council of Trade and Plantations. I have just finished with the Assembly in this place, who have passed several Acts, which shall be engrossed and printed ready to send to your Lordships this fall, with particular observations concerning them. I have lately found the great advantage of the Act to prohibit the Indians goods to be carryed to the French of Canada: by the great numbers of farr Indians that are come to trade either at Albany, or in the way to it, within the bounds of the five Nations, whither our traders go to supply them. The last account I had from thence is from the Lake Cadaracqui, as our Indians call it, but in the French maps called Ontario, or Frontenac; by an Indian just arrived from thence, who brings word that he came down in company with five canoes, who design to come to Albany. That in Cadaracqui Lake they met with Monsieur Tonti, Commander of Le Destroit, as it is called in the French map, but by our Indians called Tuchsagrondie. That Monsr. Tonti had with him 70 men, and asked those Indians where they were going, they replied, to Albany, on that reply Tonti told them he was sent by the Governour of Canada, to stop that path, and proposed to them that they should go to Canada, and gave them in presents a belt of wampum, a cag of brandy, and some tobacco. That after a long debate one of their Sachims stood up and said, that the country they lived in,

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belonged to them, and that they were masters of what they had hunted in the woods and would go with it where they pleased, and were resolved to keep the path open, or fight their way through. This answer metttled the French Commander, but he thought fit to leave them and retire with his men to Canada : and these Indians are all expected in a few days at Albany. The same thing happened last year, and ended almost in the same manner ; by which it is plain, that the great body of Indians in the Continent, assert their independancy, and will go and trade with those that can supply them cheapest, which will always be at Albany, and in the country of the five Nations if they preserve our goods to sell them there by retail, and dont dispose of them to the French by wholesale *etc.* In a late Treaty at Albany, managed by Deputys from Boston, with the assistance of Commissioners appointed by me, with the five Nations, and some Indians living in Canada. Those Indians living in Canada solemnly promised not to make war any longer on Boston : and our five Nations undertook to send Deputys to the Easter Indians, who are now at war with Boston, and to perswade them to come to a peace, and in case they will not make one, to threaten them peremptorily, that they the said five Nations will compell them to it by force of arms, which resolution I hope will be faithfully executed, and will then very likely bring on a peace, which is very much wanted by Boston, who now loose numbers of men continually, and are at an immense expence, and all this war is certainly fomented and supported by the French of Canada, who by ingrossing the trade with these Indians, manage them as they please, to the ruin of the English. I am soon to meet the Indians at Albany, after which I will be able to give your Lordships much further accounts of these affairs. I have been informed that the two pr. cent. Act has not passed the Council, which will I hope induce the Assembly to provide for the same services another way, which they never would do till they knew certainly the fate of the two pr. cent. Act. *Signed, W. Burnet. Endorsed, Recd. 30th Sept., 1724, Read 15th April, 1725. 4 pp. [C.O. 5, 1053. ff. 225-226v., 227v.]*

Aug. 10. **316.** Lt. Governor Hope to Mr. Popple. *Acknowledges*
Bermuday. letter of 20th April. *Continues :* I wait with impatience the Lords of Trade answers to mine, *etc.* I am sorry the Act *for lessening of the number of Assembly* is not agreeable to common sence, but most of our Acts are defficient that way. And had it pass'd, it would never been taken notice of ; and the establishment of this Colony would have receiv'd such an amendment as would effectually have prevented the mistakes, and blunders, these poor people fall into every time they meet, a sample whereof I send you enclos'd, vizt., the proceedings of the Assembly, and least you should suspect me of the same

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frailty, I have thought it proper to inclose a copy of my Speech *etc.* *Encloses* the Act of Bastardy therein mentioned, "which I can say nothing for but that it is consistent with the laws of Great Britain." *Refers to enclosures and particularly recommends* Mr. Aytoune for the Council. "What sort of a Collector he'll make, I do not know, but I know him to be a good soldier" *etc.* *Signed*, John Hope. *Endorsed*, Reed. 12th Oct., 1724, Read 28th June, 1726. 2 pp. *Enclosed*,

316. i. List of persons recommend to fill vacancies in the Council of Bermuda. (i) John Aytoune, Collector of the Customs, (ii) John Darrel, Judge of the King's Bench, and a man of great probity, (iii) Leonard White, junr., (iv) John Butterfield, Capt. of the Militia, a man of admirable natural parts, and great modesty, and a very good estate, (v) Moor Darrel, an honest man of good understanding, (vi) Thomas Smith, Capt. of the Town Company, a considerable trader, of good parts, but young *etc.* *Signed*, John Hope. 1 p.

316. ii. Account of the publick rents, 25th June—25th Dec., 1723. Totals:—*Receipts*, £65 7s. 6d. *Expenditure*, £65 10s. 8d. *Signed and sworn to in Council* by Richard Tucker, Depty. Provost, 10th Aug., 1724. *Endorsed*, Reed. 12th Oct., 1724. 3 pp.

316. iii. Account of the Liquor Tax 3rd Aug., 1723—29th Jan., 1724. Totals:—*Receipts* (including balance brought forward, £3 0s. 6 $\frac{3}{4}$ d.), £447 6s. 10 $\frac{3}{4}$ d. *Expenditure*, £362 10s. 6d. *Signed and sworn to in Council* by Henry Tucker, Collector, *etc.* 7th July, 1724. *Same endorsement*, 5 $\frac{1}{2}$ pp.

316. iv. Account of 5 p.c. duty on dry goods, 15th Aug., 1723—11th Jan., 1724. Totals:—*Receipts* (including balance brought forward), £149 16s. 5d. *Expenditure*, £62 1s. 0d. *Signed and sworn to in Council*, Richd. Jennings, Receiver, 17th July, 1724. *Same endorsement*. 3 pp.

316. v. Account of powder money, 15th July, 1723—24th Jan., 1724. Totals:—*Receipts*, £114 1s. 11d. *Expenditure*, £91 5s. 9d. *Signed and sworn to in Council*, Richd. Tucker, Depty. Secretary, 7th July, 1724. *Same endorsement*. 7 $\frac{1}{2}$ pp. [C.O. 37, 11. ff. 119, 119v., 120v., 121, 122v., 123, 124v.—125v., 128v.—131, 132v., 134v.—135v., 136v.—141; and (abstract of covering letter) 37, 24. p. 22.]

Aug. 11. **317.** Deposition of Ann Barnes of Antigua, relict of William
Antigua. Barnes, that she had by him two sons who died at the age
of two years and twelve months respectively, and no other

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child. (v. C. S. P. Oct. 5 and Nov. 12, 1727.) *Signed*, Ann Barnes. *Endorsed*, Recd. (from Mr. Nivine) 20th June, 1726, Read 3rd Oct., 1727. $\frac{1}{3}$ rd p. [C.O. 152, 16. ff. 17, 18v.]

[Aug. 11.] **318.** Alexander Stevensone to the Council of Trade and Plantations. *Asks for* favourable report upon Act for the Duke of Portland's additional salary. "The funds given by the old Revenue Act are very short of the necessary expences for the support of the Government, and the Duke of Portland will not so much as receive his ordinary sallary, which will reduce His Grace to the greatest difficulties, it being now upwards of two years he has been under this hardship *etc.*" *Endorsed*, Recd., Read 1st Aug., 1724. 1 p. [C.O. 137, 14. ff. 365, 366v.]

Aug. 11. **319.** Council of Trade and Plantations to the Duke of
Whitehall. Newcastle. *Refer to Representation on Revenue Bill of 6th Aug. Continue:* We must now trouble your Grace with our observations upon the bill *to augment the salary of the Duke of Portland etc.* For these being neither of them perfect laws, not having received the Governrs. assent, we cannot regularly report upon them as such to H.M. in Council. This last mention'd bill grants an additional salary of 2500 *li.* to the Duke of Portland, during his residence as Govr. of Jamaica, and the dutys for raising this summ, are laid upon flower, bread, hoops, staves, heading, shingles, boards and planks imported from any place but Great Britain, which tax will naturally fall upon the consumers, and cannot be said in any sort to affect the trade or shipping of Great Britain. For which reason, if this bill had stood entirely upon its own bottom, we should humbly have proposed to H.M. to have given the D. of Portland leave to pass the same into law; But the powers of raising, levying and collecting the duties thereby granted, refer to the rules and penalties laid down for that purpose in the Revenue bill, which not being likely to pass in the terms it stands at present conceived in, the Duke of Portland's assent to this bill would be ineffectual. However, we thought it proper to acquaint your Grace with our opinion upon this subject, that when H.M. shall signify his pleasure concerning the Revenue bill, your Grace may at the same time receive H.M. commands to empower the Duke of Portland to give his consent to an Act for the augmentation of his own salary, to the same effect with the bill lately passed for that purpose, by the Council and Assembly of Jamaica. *Autograph signatures.* 3 pp. [C.O. 137, 46. No. 44; and 138, 16. pp. 501-503.]

Aug. 12. **320.** Governor Philipps to the Council of Trade and Plantations. The extrornary buisness which has taken up your

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Lordships time for some weekes past prevented me from giving you any interruption, *etc.* *Explains* the necessity for building the *William Augustus* and the great use she was to the Government *etc.* (v. 26th Feb. and 12th March). *Continues* :—To the great misfortune of that country she has been laid up this 12 months to prevent further charge. Since which time I have received several letters from the Lt. Governor at Canso complaineing that the Indians have againe taken heart and growne troublesome ; that the French inhabitants are in great joy upon the occasion, grow insolent as before and trade with Cape Breton without controle, whereto they send now theire whole produce of corn, cattle and furs, insomuch that the Lt. Governor has been obliged to begg the assistance of an arm'd vessell from the neighbouring Government of New Engld. *etc.* But the worst evill yet is the want of transportation at this time for changing the garrisons, it being suspected that too long acquaintance may have produced a correspondence which may prove of dangerous consequence. By all which circumstances it will appeare to yor. Lordships, that the service in that country (no part of which has any communication with another but by sea) cannot be carryd on with success without a vessel to attend it constantly *etc.* *Refers to* enclosed accounts. *Signed*, R. Philipps. *Endorsed*, Recd. 14th, Read 18th Aug., 1724. *Holograph.* 4 pp. [C.O. 217, 4. ff. 256–257v., 258v.]

Aug. 12. **321.** H.M. licence of absence for another two years to
Kensington. John Cornelius, Clerk of the Naval Office, Barbados. *Counter-*
signed, Townshend. *Copy.* [C.O. 324, 35. pp. 100, 101.]

Aug. 12. **322.** Mr. Vernon to Mr. Popple. The Lords of the Council
Council this morning took notice that the Representation upon the sugar
Office, and tobacco trade was directed to be laid before his Majesty
Whitehall. at this Board *etc.* (v. 30th April and July 24th). They therefore
return it, that it may be forthwith transmitted in due form
to H.M. in Council. (v. A. P. C. III. pp. 66, 67.) *Signed*,
Jas. Vernon. *Endorsed*, Recd., Read 13th Aug., 1724.
Enclosed,

322. i. Original of July 24, 1724. q. v. 1 p. [C.O. 388,
78. ff. 103–104, 105v.]

Aug. 13. **323.** Mr. Wheelock to James Vernon. Transmits again
Whitehall. Representation on the sugar and tobacco trades, to be laid
before H.M. in Council (v. *preceding*). [C.O. 389, 37. p. 243.]

Aug. 14. **324.** Mr. Bertie to Lord Carleton, President of H.M.
Council. *Gives a version of events preceding the appointment*
of Col. Nicholson as provisional Governor of S. Carolina.
Continues :—At that time the South Sea directors had set up
a treaty for the purchase of the whole Province from the Pro-
prietors, and hastened the prosecution against their Charters

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in order to lessen their demands and at the same time a *scire facias* was directed to be brought against our Charter, but none was ever issued out, or any farther proceedings had, and by H.M. Act of Grace in 1721 all proceedings of that kind were determined. But yet the Proprietors have hitherto submitted to the Provisional Governor who has behaved himself in such a manner that the Proprietors since Mr. Nicholson's going to Carolina have not been able to receive any of their quit-rents, or other just dues accreued since his Government or any of their former arrears all which are very considerable; and as to his administration as Governor, your Lordship has heard in Council the complaints of the merchants, and the Board of Trade has many more before them, and I am informed, there is an Order in Council to recall him. The Lords Proprietors are now considering of a Memorial to be presented to H.M., that they may be restored to their antient right of appointing a Governor *etc.* On behalf of the Duke of Beaufort and himself prays for his Lordship's support, *etc.* [C.O. 5, 290. pp. 165, 166.]

Aug. 15. **325.** A letter from Jamaica to a Merchant in London.
Jamaica. Complaint as to the condemnation of the ship *Chandois* and the schooner *Esperance*, (v. 13th July), and the arbitrary and illegal proceedings of the Governor in suspending the Judge of the Admiralty Court *etc.* $2\frac{3}{4}$ pp. [C.O. 137, 32. ff. 79-80; and (duplicate) 89-90.]

Aug. 17. **326.** Bryan Wheelock to Sir Philip Yorke and Sir Clement
Whitehall. Wearg. *Encloses* copies of queries by Lt. Governor Drysdale (6th June), relating to exorbitant grants of land made by Col. Spotswood, together with copies of Acts, Orders *etc.* relating to that subject, for their opinion in point of law. [C.O. 5, 1365. pp. 277, 278.]

Aug. 18. **327.** Bishop of London to the Council of Trade and Plan-
Fulham. tations. Requests that dispatch may be given to the Act *for enlarging the salaries of the Clergy in South Carolina, etc.* Signed, Edmd. London. *Enclosed*, Recd., Read 20th Aug. 1724. *Holograph.* 1 p. [C.O. 5, 359. ff. 33, 34v.]

Aug. 18. **328.** J. Galfridus to the Duke of Newcastle. I haveing a
universall knowledge of H.M. American Dominions, with compassion *etc.* have considered an efectuall method, whereby those people may be made safe for ever without any additional charge: rather the efect will be an yearly profit *etc.* I am to be heard of at the Britania Coffehouse in Spring Garden *etc.* Signed, I. G. (*his mark*). $\frac{1}{2}$ p. [C.O. 5, 12. f. 11.]

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Aug. 18. **329.** *Same to Same.* There are now in London four Governors, which ought to have a particular knowledge of their country's safety *etc.* *Signed as preceding.* $\frac{3}{4}$ p. [C.O. 5, 12. f. 12.]

Aug. 18. **330.** *Same to Same.* Refers to Indian massacres. Within this 10 days a ship brought an account of 13 murdered by the Indians at one time *etc.* Doubtless H.M. would gratifie an effectuall method proposed for the protection of those subjects *etc.* *Signed as preceding.* 1 p. [C.O. 5, 12. f. 13.]

Aug. 18. **331.** *Same to Same.* Urges the speedy execution of his plan, for which His Grace may obtain £10,000 by way of gratitude, by entering into just measures *etc.* *Signed as preceding.* 1 p. [C.O. 5, 12. f. 14.]

Aug. 18. **331A.** *Same to Same.* My method will save H.M. £5000 a year *etc.* *Signed as preceding.* 1 p. [C.O. 5, 12. f. 15.]

Aug. 19. **332.** Lt. Governor Hope to the Duke of Newcastle.
Bermuda. *Acknowledges* letter of 2nd April and congratulates his Grace on his succession to Lord Carteret *etc.* *List of enclosures.* *Signed,* John Hope. *Endorsed,* R. Oct. 12. 2 pp. *Enclosed,*

332. i. Speech of Lt. Governor Hope to the Assembly of Bermuda, 21st July, 1724. I am advised from home that some Acts are in danger of being repealed, particularly the 4 and 2 p.c. upon goods imported *etc.* as being inconsistent with the tradeing interest of Great Britain and opposed by a person whom you all know, so not worth my while to name. It will therefore behove you in time to apply proper remedies by enabling your Agent at home to watch all opportunities that may offer to him of representing the true state of this country and the bad consequences that must follow if that Act be repealed. For in that case there must be a tax laid on sufficient to repair your fortifications now almost in ruins *etc.* *Copy.* $1\frac{1}{2}$ pp.

332. ii. Account of powder money, Bermuda, 15th July, 1723—24th Jan., 1724. *Sworn to by* Richard Tucker, Dep. Secretary. *Copy.* $7\frac{1}{2}$ pp.

332. iii. Account of the public rents, Bermuda. *Totals:—Receipts,* 25th Dec., 1722—25th June, 1723. £65 7s. 6d. *Expenditure,* 7th July—5th Dec. 1723. £65 10s. 8d. *Sworn to by* Richd. Tucker. *Copy.* 3 pp.

332. iv. Account of the 5 p.c. duty on dry goods 15th Aug., 1723—11th Jan. 1724. *Totals:—Receipts* (including £51 14s. 4d. brought forward), £149 16s. 5d. *Expenditure,* £63 1s. 0d. *Sworn to by* Richard Jennings, Receiver. *Copy.* 3 pp.

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332. v. List of persons unfit to supply vacancies that may happen in the Council of Bermuda: John Aytoune, Collector of Customs; John Darrel, one of the Judges of King's Bench and Common Pleas, a man of great probity; Leonard White junr. J.P., son to the Councillor *etc.*; John Butterfield, Capt. of the Militia, a man of admirable parts and great modesty, and a very good estate; Moor Darrel, J.P., an honest man and of a good understanding; Thomas Smith, Capt. of the Town Company, a considerable trader, of good parts, but young *etc.* *Signed*, John Hope, 1st July, 1724. 1 p.

332. vi. Account of the tax upon liquor imported, June 13—Dec. 9th, 1723. *Totals*:—*Receipts*, £447 6s. 10 $\frac{3}{4}$ d. *Expenditure*, Aug. 10, 1723—Jan. 29, 1724. £362 10s. 6d. *Sworn to by* Major Henry Tucker, Collector. *Copy*. 6 pp. [C.O. 37, 28. Nos. 21, 21 i—vi.]

Aug. 20.
London.

333. Mr. Stevenson to Mr. Delafaye. I sent the King's Instructions and the Duke of Newcastle's letter to the Duke of Portland by a Bristol ship the beginning of this month *etc.* *Encloses* copy of his memorial to the Board of Trade. *Continues*: Their answer was that what I demanded with regard to the Act for the augmentation of His Grace's salary could not be complied with because of a clause in it which made it depend upon the Revenue Act has not yet been approved off, but their Ldps. assured me they would write to the Duke of Newcastle, *etc.* Requests that the Duke be urged to dispatch the decision upon that Act *etc.* *Signed*, Alexr. Stevenson. 2 pp. [C.O. 137, 52. ff. 81, 81v.]

Aug. 20.
Whitehall.

334. Council of Trade and Plantations to Governor Worsley. *Acknowledge* letters of 24th Nov., 1723, 11 Jan., 3rd March and 13 June, 1724 *etc.* *Continue*: We have transmitted the Acts *therein enclosed* to H.M. Counsel for their opinion in point of law, and shall take the earliest opportunity for considering them. H. M. has been graciously pleased to approve the Act relating to the Quakers' affirmation *etc.*, as you will see by His Order in Council, which we presume you will have received from the Agents of the Island. His Majesty has not thought fit to repeal the Act (1723) *for laying an imposition on wines etc.*, tho' it was lyable to many objections as you will see by the inclosed copy of an Order in Council, 30th April (the original of which we imagine you have already received). The Act to *raise a levy etc.* has been repealed. *Enclose* extract of letter to the Admiralty *etc.* (v. 7th May). *Conclude*: We have ordered the list you have sent us of the Gentlemen to supply vacancies in the Council to be entred in our books, and shall always have a regard to your recommendation. [C.O. 29, 14. pp. 403, 404.]

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Aug. 20.
Whitehall.

335. Council of Trade and Plantations to the Lord Bishop of London. *Reply to 18th Aug.* We have as you desired taken the Act *for enlarging the salaries of the Clergy in South Carolina*, into our consideration, and as your Lordship is a Member of the Board, we send you, with great freedom, our private sentiments concerning this Act. 'Tis very true, that Mr. West has reported that he has no objection against this Act in point of Law: But there are some difficulties that occur to us, upon which we should be glad to have your Lordship's opinion, before we propose this law to H.M. for his royal confirmation, which would make it perpetual, whatever inconveniences might hereafter be found in it. The first clause enacts that "the Clergy shall receive their respective salaries therein mentioned, in Proclamation money or the value thereof in current bills of that Province, computing four for one, and so in proportion, to be adjusted once a year by the Church Commisrs. if need be." The meaning of this clause must probably have been, that the bills of credit of that Province were then at 75 p.c. discount, and consequently that £400 bills of credit were equal to £100 Proclamation money. But we have reason to apprehend that the discount upon these bills may now or in future times be greater than when this Act was passed in Carolina, in which case the Clergy would find themselves in a worse condition than they were before the passing of this Act. For three several laws passed in 1706, 1712, and 1717, so far as they relate to the salaries of the Clergy, are by this new Act intended to be vacated and annulled. And it remains a very great doubt with us, whether the words *and so in proportion etc.* (*v. supra*), will be sufficient to empower those Commissioners to order a greater number of these bills to be issued, if they should be at a greater discount than 75 p.c. There are likewise very great powers given by the 6th clause of this Act, to Church-wardens and five Vestrymen for making assessments for the poor, and levying the same by distress by their own warrants, without the concurrence of one single Justice of the Peace, which clause being foreign to the tittle of the Bill, is contrary to the Governor's 15th Instruction. There are also great informalities in this Act, particularly in the two last clauses, where the tittles of three other laws intended in the whole or in part to be repealed, are so imperfectly described, that in all probability they will remain in force *etc.* *Ask for his opinion etc.* *Conclude:* You may depend upon finding us always ready to concur with your Ldp. in anything that may prove of real advantage to the Clergy. [C.O. 5, 400. pp. 191-195.]

Aug. 20.
Whitehall.

336. Council of Trade and Plantations to Governor Hart. *Refer to letter of 15th May and acknowledge letters of 11th, 16th and 25th March, and 16th May etc.* *Continue:* We

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shall take the Acts (*sent*) into consideration the first opportunity. We have given directions for preparing copies of the Acts of Mountserrat, that were burnt or destroyed, according to your desire, and they will be deliver'd to your order. We are sorry to find by your letter of the 11th of March, that there is a misunderstanding between you and some of the Gentlemen of the Council of Antegua, but are of opinion since H.M. has been pleased to appoint Mr. Crump and Mr. Cochran to be of his Council there, we cannot propose that they should be remov'd without some particular cause assign'd; we hope, however, they will demean themselves with more temper for the future, and that since H.M. has been pleas'd upon our Representation, to dispense with that part of your Instructions, which was an obstacle to the bill prepared by the Assembly for your salary, the Council will not refuse their assent to it. We shall enquire whether Sr. Wm. Codrington intends to return to Antegua, and if he does not shall take your recommendation of a proper person to succeed him in the Council there. As to the alterations you have made in the Council of Mountserrat, we must remind you that you have no authority to swear any person into the Council, unless the same by death or absence, be reduced under the number of seven, much less can you restore any person to his former rank in Council, without an express order from H.M. for that purpose. As to the affair of Mr. Fry and Mr. Bramble, we apprehend, there may have been some mistake, for upon looking into our books, we find no other cause assign'd by Genl. Hamilton for the removal of Mr. Bramble, but his own refusal to act; and as we are not satisfyd that the cause assign'd by you for the suspension of Mr. Fry is sufficient, we shall not represent anything to H.M. on that subject, till we hear further from you, and are in hopes by that time this affair may be accommodated. We shall inform ourselves whether Mr. Gerish have H.M. license of absence, and if we find he has not, we shall have due regard to your recommendation to fill up that, or any other vacancy that shall happen in the Islds. under your Government; and as we find Mr. Crookshanks is already sworn in, we shall recommend him to supply the vacancy occasion'd by the death of Mr. Parsons. We think your answer to the Governor of Martinique was very proper, and commend your generosity to Capt. George, but as we are inform'd, he has a company lately given him, we apprehend, we shall have no occasion to make any further application on his account. [*C.O.* 153, 14. *pp.* 159-164.]

Aug. 20.
Boston.

337. Lt. Governor Dummer to [*? the Duke of Newcastle*]. I had the honour in the absence of Governor Shute to receive your Grace's letter of the 2d of Aprill *etc.* *Encloses* inventory of "some piratical goods brought into this port by one Andrew Harrandine who having been taken by a gang of pirates, after

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a few days with the help of some others rose upon the crew and overcame them, the whole conduct thereof your Grace will be informed of by a printed copy of the tryal of the pirates which I shall send you assoon as it comes out of the press" *etc.* Awaits instructions concerning the disposal of these goods *etc.* They will make little more then £20 sterling. *Signed*, Wm. Dummer. *Holograph.* 1 $\frac{3}{4}$ pp. *Enclosed*,

337. i. Inventory referred to in preceding. 2 $\frac{1}{8}$ pp. [C.O. 5, 898. Nos. 33, 33 i.]

Aug. 21.

Bermuda.

338. Lt. Governor Hope to the Council of Trade and Plantations. I had the honour of receiving your letter of the 15th May, 1724 upon the 14th of this month having finished the inclosed some days before in order to go with this occasion *etc.* I return my dutyfull acknowledgments for the regard had to my recommendation of men for the Council *etc.* As to the Acts now before your Lordps. I have nothing to say further than what I have already done *etc.* But for the future I shall consent to no Act that lays any duty upon the importation of European goods here; My Lords, I desire you will beleive me that there never was any passed here since my arrival, that ever I had the least hand in directly, or indirectly, except that wherein they have settled £100 a year upon me. That Act *for lessening the number of Assembly*, I never heard of it till it was layd before me in Council, and for the reasons already given, I did give my consent to it, with a great deal of chearfulness: for the alteration it would have made in our constitution was my cheif aim, the present being very inconsistent with the nature and considerable numbers of these people. But as to the effect it might have had in religious matters the event will some time or other make appear, that for the present, I have the sattisfaction to acquaint your Lordships that I am very easey that way, haveing nothing to apprehend from any corner but from the zeal and imprudence of some orthodox Priests. All directions given me by Orders of Council in whatsoever manner sent to me shall for the future and without hesitation be put in execution without delay. Being inform'd at large of a complaint made against me with respect to ane Order of Council repealing the Act *for laying a duty of 5 p.c. on dry goods*, I beg leave to acquaint your Lordps. that my Commission as Governour does direct me (in ye case of the repeal of laws) to receive H.M. orders in Council, in the same manner and form, as I do his pleasure signified to me by the Secretary of State, and by the Lords Commissioners of Trade *etc.* I am glad the manner of my answers to your Lordps.' queries is approved of, when alteration in the present state of the Colony happens, your Lordships may depend on having due notice thereof transmitted. The accounts I have sent your Lordships concerning correspondence with pyrates is true, and I am sorry

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to find by daily experience that all our neighbours are as bad : I have advice by a sloop from Philadelphia that the *Enterprise* man of war is taken by a pirate sloop of 16 and a ship of 40 guns. I do not beleive it because the Skipper of the sloop affirms the pyrates are above 500 men ; which I know is impossible by my intelligence from others lately taken by them. My Lords, It is a miserable suituation the rest of the West Indies are in with regard to the Spanish barbaritys committed upon the subjects of Great Britain, France and Holland : *The Maritime Powers !* nor can piracy cease in these seas until one of two events happens : (i) To declare war against Spain and force free trade ; or (ii) To discharge all commerce with Spanish Plantations in America, and to seize all vessels of your own wherein any Spanish money effects *etc.* are found. For the clandestine trade is so prodigiously advantageous that they will venture estate, body and soul ; so that vast numbers are taken and inhumanly treated : and always (I may say) the Spaniards set the crews ashore upon desart islands. Revenge very soon enters an injured mind, and makes a violent progress in such as have been educated at sea : There is no Nation or Law can protect these poore abandon'd wretches in makeing reprisals ; so that it is no great wonder if they embrace the only thing left them to do, that is ; to save their lives from starving they are obliged to rob the first they meet. This my Lords is the reason and source of piracy. As to the account I have given your Lordships of the revenues having been employed in carrying on a law suit against one Jones, I am affraid I have not been particular enough, for I find your Lordships do misapprehend me : The cause and quarrell was the Country's, against Jones ; and they levied taxes, and ordered the application of these taxes, for that end ; by sending home some of their number to manage the affair ; Mr. Bennett has been unluckiely hook't into that scrap, and is now left in the lurch ; tho' it is as apparent as day, that that Gentleman did nothing but what his Instructions authorized him to do ; for his actions were approven by H.M. Queen Anne in Council : and that turbulent insect (Jones) was stript of his patent. *Signed, John Hope. Endorsed, Recd. 12th Oct., 1724, Read 30th June, 1726. 4 pp. [C.O. 37, 11. ff. 144-145v., 146v. ; and (abstract) 37, 24. pp. 22-24.]*

Aug. 22. **339.** *Same to Same.* I think myself obliged to acquaint
 Bermuda. you that the Collector of the Customs has seiz'd the ship *Salamander*, William Bell master, for having on board three chests of East India and European goods, and a large bale of sail duck, without cocquett or clearance. The owners of the vessel are Edward Jones the father and Edward Jones the son. The first is now in London, and is a man of villainous life, having been convicted here of perjury *etc.* He is so well known

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at the Secretary of State's Office, and that of Trade and Plantations that it is needless to enlarge upon his character: but this I thought was my duty because of the insolent threatnings of Jones the son to the Collector: and to prevent any bad impression the inventions of Jones the father may suggest *etc.* The Collector has done nothing but what he is order'd to do by his Instructions *etc.*, as will appear *by enclosed etc.*, for these two fellows mention'd in the petition offering £10,000 security both of them are no(t)worth the third part thereof; besides so it happens, that Smith lyes now under prosecution for the forfeiture of a Plantation bond, and a bond of Jones's stands now out, in the Naval Office, for £500, whereby they both are incapable by law of being securitys. *Signed*, John Hope. *Endorsed*, Recd. 7th Oct., 1724, Read 30th June, 1726. 2 pp. *Enclosed*,

339. i. Petition of William Bell to Lt. Governor Hope. The Collector, John Aytoune, upon examining goods landed from the *Salamander* found two trunks of East India and European goods for which there were no coquets among those given to deponent at the Custom House, London. He seized the ship and her cargo, though Edward Jones and Mr. Smith offered £10,000 security that the coquets should be produced. *Prays* that the ship and cargo may be released upon said security *etc.* St. George's, Aug. 22, 1724. *Signed*, Wm. Bell. *Subscribed*, the petition is not in my power to grant. *Signed*, John Hope. *The whole endorsed*, Recd. 7th Oct., 1724. 2 pp. [C.O. 37, 11. ff. 147, 147v., 148v.-149v., 150v.; and (abstract) 37, 24. p. 21].

Aug. 22. 340. Order of King in Council. Referring Representation
Windsor. upon the state of the sugar and tobacco trades to a Committee of the Privy Council. *Signed*, Ja. Vernon. *Endorsed*, Recd. 8th, Read 15th Sept., 1724. 1 p. [C.O. 388, 24. No. 166].

Aug. 22. 341. Order of King in Council. Upon the charge of dis-
Windsor. obeying his Instructions *etc.*, relating to paper money *etc.*, made against Governor Nicholson by several traders to S. Carolina, (v. Oct. 30) and Mr. Yonge's petition on his behalf for six months leave of absence, Ordered that a licence be prepared for permitting him to come over to Great Britain, and that a copy of the petition of complaint be transmitted to him for his answer upon his arrival *etc.* *Set out*, A. P. C. III. No. 69. q. v. *Signed*, Ja. Vernon. *Endorsed*, Recd. 8th Sept., Read 28th Oct., 1724. 3 pp. [C.O. 5, 359. ff. 39-40v.]

Aug. 22. 342. Order of King in Council. Repealing Act of
Windsor. Barbadoes to raise a levy *etc.*, upon the report of the Lords of

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the Committee after hearing counsel for the merchants trading to Barbados against it, and the Agents of the Islands in support thereof, and having also examined some merchants upon oath as to the inconveniencies that would attend the passing the said Act *etc.* *Signed*, Ja. Vernon. *Endorsed*, Recd. 8th Sept., Read 28th Oct., 1724. $1\frac{3}{4}$ pp. [C.O. 28, 18. ff. 108, 108v, 109v.]

Aug. 22. **343.** Order of King in Council. Approving draught of Windsor. Instruction to Governors not to assent to a duty on European goods imported in English vessels *etc.* (v. 4th June). *Signed*, Ja. Vernon. *Endorsed*, Recd. 8th, Read 15th Sept., 1724. 1 p. [C.O. 323, 8. No. 48].

Aug. 22. **344.** Order of King in Council. Granting leave to appeal Windsor. to following petitioner *etc.* *Signed*, Ja. Vernon. *Endorsed*, With Govr. Hope's of Feb. 2nd, 1724 $\frac{1}{2}$. *Copy*. $2\frac{1}{2}$ pp. *Enclosed*, 344. i. Petition of Samuel Eveleigh of Charlestown, S. Carolina, part owner of the sloop *George and Elizabeth* and administrator of Joseph Palke decd. late owner of the other third. Prays leave to appeal against decree of the Admiralty Court, Bermuda. *Set out*, A. P. C. III. No. 70, q. v. *Copy served upon* Governor Hope by cabin boy of said sloop. 2nd Feb. 1724 $\frac{1}{2}$. *Signed*, John Hope. $7\frac{1}{4}$ pp. [C.O. 5, 382. Nos. 39, 39 i.]

Aug. 22. **345.** Lt. Governor Hope to the Duke of Newcastle. Bermuda. Duplicate of No. 339. *Signed*, John Hope. *Endorsed*, R. Oct. 7. 2 pp. *Enclosed*, 345. i. Duplicate of No. 339. i. [C.O. 37, 28. Nos. 22, 22 i.]

Aug. 22. **346.** Memorial of Elisha Cooke to the Duke of Newcastle. Prays that the answer and papers now received from the House of Representatives, in answer to Governor Shute's Memorial 5th March, may also be referred to Mr. Attorney and Solicitor General. *Signed*, Elisha Cooke. $1\frac{1}{2}$ pp. *Enclosed*,

346. i. The House of Representatives of the Massachusetts Bay to the King. *Reply* to Governor Shute's second Memorial (v. 5th March), 17th June, 1724. (i) The Governor is mistaken, We presume he means the vote of 13th June, 1723, which can never bear the construction he puts upon it. The Committee appointed to audit the Treasurer's accounts according to the constant practice, observing several payments by him to be pursuant to the draughts made by the Lt. Governor with the advice of the Council not conformable to the resolve of the whole Court for the supply of the Treasury, the House voted those pay-

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ments grievances *etc.* (ii) Governor Shute is entirely mistaken. There was never any occasion for any such debate. The Representatives have at all times been ever ready to grant a sufficient sum for the payment of all just debts of the Province. But a debate arising, May 1723, between the Council and Representatives about the appropriation of the money then to be granted, and the House having offered two several resolves for the supply of the Treasury, in both of which sufficient provision was made for contingencies in the recesses of the Court, and the issuing out thereof was conformable to what the Council, and Governor Shute himself had consented to before this time, but was now refused by the Council, they did propose a conference between them and the House, which was justly rejected by the House, as a thing new, unusual, and unheard of *etc.* No conferences on money bills were ever offered, or desired before, it being the undoubted right and privilege of the Representative body of the people to grant and raise what sums of money are thought necessary, and herein we endeavour to copy after the usage and custome of yor. Majty.'s Commons of Great Britain and ye other Governments within yor. Majtys' Dominions, and that the Session ended without granting any supply at all for contingencies, is not to be attributed to the House, for that they were willing to allow a sufficiency which is evident from their resolves of June 21st and 27th and July 2, 1723. The Council never desired any; and altho' the whole grant was appropriated, there were draughts made in the recesses contrary thereto, and so might as well have been for the expresse mentioned, which is all the utmost hazard and difficulty the Government then met with. The Representatives thought it proper to acquaint their principalls of these difficultys by printing the notes *etc.*, that so they might for the future have directions in an affair of so great importance, and those that grant and pay the money might know that it was apply'd otherwise than was designed by them and agreed upon by the whole Court *etc.* We are not able to recollect when any Conferences were desired by the Honble. Board and refused by the House, except what relates to money and that only at this time. We find on record some conferences of late years and Govr. Shute himself sitting in the chair, viz. June & Nov. 1719 *etc.* Tho' many of our Members are men of low fortunes, parts and education, yet they have a sufficiency to qualify them to sit *etc.* That the whole countrey is reduced

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to low and poor circumstances under the distresses of a chargeable warr must be allowed. (iii) Since Governor Shute's departure which was very sudden and surprizing, when this Government was newly engaged in a warr with the barbarous heathen, and when he saw the General Court were taking vigorous measures to prosecute the same, and no notice given them of his design before he was actually on board ship *etc.*; we have maintain'd the honour and dignity of the Lt. Governour and Commander in Cheif over and above the pay allowed him as Captain of the Castle by granting him from time to time an honourable allowance for his support to enable him to manage the affairs of the Government which always look forward *etc.* That Governour Shute should article against us on this head *etc.*, whilst he is endeavouring to disserve us and even to overthrow the very foundation of our happy constitution seems to us a wonderful parradox, especially if we consider that the allowance granted him has been almost double to what was allowed the former Governours, more especially considering in yor. Majesty's 19th Instruction he is ordered to endeavour for settling sallarys for the Gouvernour *etc.*, *residing* within this Province. (iv) Neither this House, nor any preceeding has ever pretended to subject the Militia to their orders, nor made any orders for that end, well knowing that the power of ordering the Militia was always vested in the Captain General *etc.* But we conclude that the officers and militia are to conform to the laws passed and confirmed for regulating the Militia *etc.* The establishment of the Garrison of Castle William, made in 1700, was complained of by the Lt. Governour, and an enlargement of their pay proposed by him, which the Court readily agreed upon, as soon as they understood that Lt. Gray, who was in the Captain's absence the first officer, and whose incapacity and notorious negligence were so frequently complained of, was removed *etc.* It seems strange that such expressions of our duty and loyalty should be taxed as encroachments on yor. Royal prerogative *etc.* The muster-rolls are brought to sett forth that the officers and soldiers have done the duty required of them by law; and not as is insinuated to discover whether the orders of the House are comply'd with *etc.* There are no such orders of the House *etc.* (v) The Treaty itself will show that this charge is altogether groundless, and that the Lt. Governour, yor. Majesty's representative here, was always present

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at, and managed the whole of that Treaty, and (*Journal of Council and Assembly, Sept. 1723*) was the mouth of the whole General Court *etc.* The King is mentioned no less than three times in the Treaty. It was agreed by the Committee of both Houses that a belt of wampum with your Majesty's Great Seal of this Province, your royal arms, and motto in a silver box pending thereto, should be given in ratification thereof, and in token that the whole Treaty was in your Majesty's name and under your royall seal; yet when the same came to be delivered it was observed that your Majesty's seal was altered and defaced and the Lt. Governour's seal with his coat of arms affixed thereto, and that done without any advice of the Councill, or House, which was the reason for defacing that seal sent up to the Councill and not out of any disrespect to your Majesty's Lt. Governour but with the greatest sence of duty and loyalty to your Majesty, rightly conceiving that that seal would be seen by the French as well as Indians, who would probably inform these tribes that your Majesty's seal *etc.* not being affixed thereto they might be induced to beleive that it was no act of this Government nor ratified by your Majesty's seal. Neither did the House ever aim at the invasion of your Majesty's undoubted right of making all treatys *etc.*, and humbly hope that they will be cleared from this unjust imputation they being always ready and willing not only to part with their estates, but also their lives, in the defence and support of your Majesty's royall person, Crown and dignity, and all your Majesty's rights, powers, and authoritys. (vi) Mr. Cooke in his publick capacity here as a Member of the Court appeared very zealous for maintaining H.M. just right to the woods and supporting the prerogative of the Crowne as well as the priviledges of his subjects *etc.* We hope that the measures taken by the House will always appear to have been founded upon principles of true loyalty *etc.* The contrary of what the Governour complains of about the Council is evident from the votes and messages on that head, Nov. and Dec. 1716 *etc.* (vii) These reflections contain crimes so hainous as never were, and never will be produced in this country, where obedience and a just respect to all in authority is universally asserted, and steadily maintained *etc.* That ever any Councill were under such apprehensions and thereby deterr'd from their duty; is what no man but Governour Shute ever pretended to affirm

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etc. That the House ever pretended to grasp the whole power of the Province into their hands, can no more be supported than the rest. *Enclose projected bill referred to. Continue:*—We humbly conceive, that we ought not to be intimidated, or allured, into such measures, as would abridge yor. Majesty's good subjects of some of their rights and priviledges. We hope we shall yet appear to be what we really are a dutifull and loyall people to the best of Kings *etc.* *Signed*, Elisha Cooke. 13½ pp.

346. ii-xv. Extract of Minutes of Council and Assembly of the Massachusetts Bay, 1700-1723, relating to preceding.

346. xvi. Certificate that Josiah Willard is Secretary of the Province, and John Wainwright Clerk of the House of Representatives, and full credit should be given to their attestations *etc.* Boston, 20th June, 1724. *Signed*, Wm. Dummer. *Sealed*. 1 p. [C.O. 5, 752. Nos. 25, 25 i-xv.]

Aug. 25. **347.** Governor Nicholson to the Duke of Newcastle. A
So. Carolina. few days agoe I had the great honour to receive your Grace's commands of 2nd April and I most humbly begg leave to congratulate your Grace's being appointed H.M. Principal Secretary of State and am sure that we who have the honour to serve H.M. in this American part of the world in general have verey great reason to rejoyce thereon but more particularly myself. *Will instruct* Kingsmill Eyre and Francis Yonge to wait upon him with accounts of the Colony *etc.* *Continues:*—We had on ye 17th instant a sort of an hurricane weh. I thank God did no damage to the shipping here, but ye violence of the rain and wind I hear hath damnified some of the Indian corn and rice and ye flood hath ruined some of the bridges. This accident and the time of looking after the crop at present makes it very difficult to gett a Council among all the Members thereof but I am in hopes to be able to do it in ten days or a fortnight at farthest in order to have your Grace's letter communicated to them and then we shall endeavour jointly to pay our duty to your Grace *etc.* P.S. I have often writ to Mr. Eyre and Mr. Yonge to obtain H.M. most gracious lycence to goe for Great Brittain and am now your Grace's most humble peticoner which if obtained I hope (God willing) to have ye great honour to pay my duty to your Grace and (if you please) to give your Grace a verbal accot. not only of this country but of others on this Continent *etc.* If your Grace should want anything this country affords I hope your Grace will honour me with your commands *etc.* *Signed*, Fr. Nicholson. *Endorsed*, Rd. Oct. 29th. 2½ pp. [C.O. 5, 387. No. 46; and (duplicate) 82.]

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Aug. 25. **348.** *Same* to Temple Stanyan. A few daies agoe I reed.
So. Carolina. your letter of 27th April. Mr. John Hamilton hath been here
some time and I do assure you that upon your accot. I shall do
him all the favour and kindness that lyes in my power but I am
heartily sorry that any Gent. you are pleased to recommend to
me should come into this poor country where there are few or
no places proper for such a person. The misfortune of this
country at present is the uncertainty of the Governmt. Whither
H.M. will keep it or the Lords Proprs. be restored and their
Lordships having been pleased to shutt up their Land Office
which hinders people from taking up lands in order to settle
the frontiers especially to the Southwd. which borders on the
Spaniards and French who are now united and we find that they
are not only endeavouring to sett their Indians upon ours, but
likewise inveighling them from us these affairs have several
times been represented to the Rigt. Honble. the Lords Com-
missrs. of Trade and Plantations as likewise to the Right Honble.
the Principal Secry. of State, so I will not now trouble you with
a repetition thereof, the affair of our comodities vizt. rice, tarr,
and pitch are very precarious, but I hope in God the next
Sessions of Parliament will do something concerning them *etc.*
Refers him to Messrs. Eyre and Yonge. P.S. I desire you'l
please to give my most humble duty to the Rigt. Honble. the
Lord Viscount Cobham and I am in hopes that his Lordp. hath
fully settled his affairs of Nova Scotia *etc.* and that you are
already or will shortly be made one of the Baronetts of Nova
Scotia and that his Lordp. hath given yo. pattents for half a
dozn. large manrs. *etc.* I hope that our very good friend Mr.
Tickle (to whom pray my humble service) will come in for a
good smack in the Nova Scotia affair both in point of honour
and interest. *Signed*, Fr. Nicholson. *Endorsed*, Rd. Oct. 22.
1 $\frac{3}{4}$ pp. [C.O. 5, 387. No. 47.]

Aug. 26. **349.** Bishop of London to the Council of Trade and Planta-
Fulham. tions. *Reply to No. 335.* I understood (*v.* 18th Aug.) that
the Act had been approved by your Lordships and the King's
Counsel, *etc.* But since I find I have been misinform'd, and
that there are several difficulties in it which cannot easily be got
over, I leave it to the ordinary course ; unless your Lordships
shall think it proper to let it rest with you till Governour
Nicholson comes over, who has obtain'd H.M. leave to be
absent from his Government, and, when he comes hither, may
be able to remove the objections to which the Act seems liable
at present. *Signed*, Edmd. London. *Endorsed*, Reed., Read
2nd Sept., 1724. *Holograph.* 2 pp. [C.O. 5, 359. ff. 37,
37v., 38v.]

Aug. 31. **350.** H.M. Additional Instruction to the Governors of
Windsor. Jamaica, Barbados, Leeward Islands, Bermuda, Bahama
Islands, Virginia, New York, New Jersey, Nova Scotia, New

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Hampshire, Massachusetts Bay and Maryland, Pennsylvania, South Carolina, North Carolina, and the Governor and Company of Rhode Island and Connecticut. Whereas Instructions *etc.* as June 4 *supra*. [C.O. 324, 35. pp. 82-87; and (copy of same of later date, to Governor Burnet), 5, 1085. No. 46.]

Sept. 1. **351.** Mr. Popple to Mr. West. Encloses, for his opinion
Whitehall. in point of law, Acts of Barbados (i) *for the better settling intestates' estates and for enabling fathers to dispose of the custody of their children during their minority* (1715); (ii) *for enlarging the time appointed for the election of vestrymen*, (1723); (iii) An Additional Act to the *Act for establishing the Courts of Common Pleas etc.* (1724). [C.O. 29, 14. p. 405.]

Sept. 1. **352.** Mr. Armstrong to the Council of Trade and Plantations. *Report upon the state of H.M. Woods in America.* By the late Act, (*for further encouragement of Naval Stores*) the inhabitants of the Massachusetts Bay pretend that, contrary to their Charter, the whole tract of land included in a township is the property of that township, and that the King has no right to any trees growing thereon. Several of the townships are many miles square, wherein are many thousands of acres of wood land where the best timber grows now fit for the service of the Crown, and more promising to be hereafter, altho' the twentieth part thereof is not under any immediate improvement *etc.* Doubtless there are many trees without the townships fit for H.M. service, but far short of what's within, and considering those trees are very difficult to come at, lying at a great distance up in the woods, and but few navigable rivers capable to bring them down, each mast will cost the Crown above six times the value as those growing within the townships, besides the great hazard and charge to come at them in time of war. By the late Act the inhabitants are still at liberty to enlarge their townships and take in all lands wherein the best timber grows and more especially near navigable rivers *etc.* So that the reservations made in the Charter is wholly defeated *etc.*

There is vast tracts of lands within the townships which belongs to the Crown that the inhabitants claim a right to only by possession. *Proposes* that they be called upon to produce their titles. New Hampshire has for 60 or 70 years supplied the greatest part of the masts contracted for by the Crown and is still capable of the same provided due care be taken to preserve the timber, but the Government there hath granted within this 5 or 6 years (and more particularly since the late Act) four or five townships, each containing 10 miles square, wherein the best timber grows *etc.* I must likewise observe to your Lordships the great disadvantage done the King and Kingdom in sending of ship timber from New Hampshire to Portugal. Notwith-

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standing all my checks and menaces when Collector for several years past they have carried on that trade to foreign parts *etc.* I darst not take upon me to stop the ships there being no law against exporting timber to foreign parts, altho' I have prest at home this severall years past for an Act of Parliament to prevent the same *etc.* *He can convince the Board that complaints against him arise from malice and revenge for doing his duty. Concludes :* Before I came away, the inhabitants told me I had no business nor power to survey any woods within their townships, neither would they suffer me, for the King had no right to any woods there since the late Act of Parliament *etc.* *Signed,* Robt. Armstrong. *Endorsed,* Recd. Read 3rd Sept., 1724. 4 large pp. *Enclosed,*

352. i. Certificate by H.M. Commissioners of Customs in favour of Mr. Armstrong. 12th Nov., 1709. 6 signatures. Copy. $\frac{3}{4}$ p. [C.O. 5, 869. ff. 55-57, 59v.]

[Sept. 2.] 353. Proceedings of Court of Chancery, Barbados, 13th May-2nd Sept. 1724. 12 pp. [C.O. 33, 27. No. 3.]

[Sept. 2.] 354. A Journal of *William Augustus* in the service of the Government of Nova Scotia *etc.* (v. 12th March, 12th Aug.) *Signed,* R. Philipps. *Endorsed,* Recd., Read 2nd Sept., 1724. 4 $\frac{1}{2}$ pp. [C.O. 217, 4. ff. 259-261v., 262v.]

Sept. 3. 355. William Birkhead and John Sasoubre to the Council of Trade and Plantations. *Replies* to questions of the Board as to a proposed settlement of a tract of land between New England and Nova Scotia. Petitioners propose to take with them 10 families. H.M. to transport them at his own expence, build their ports, furnish them with arms and ammunition and a garrison and grant them lands without fees, in return for a quit rent of 28 lb. of good hemp fit for the Navy for every 100 acres cultivated commencing 7 years after they are cleared *etc.* H.M. expences in transporting and maintaining the people to be repaid after 7 years annually in Naval Stores. *Signed,* Wm. Birkhead, Jon. Sasoubre, Agents. *Endorsed,* Recd., Read 3rd Sept., 1724. 1 p. [C.O. 5, 869. ff. 54, 54 v.]

Sept. 3. 356. Council of Trade and Plantations to the Lords Commissioners of the Treasury. *In reply* to 20th May, repeat recommendation of ship of war for Nova Scotia, v. C.S.P. 14th Dec., 1720, and transmit account of the services of H.M.S. *William Augustus*, and submit whether it be not reasonable that Col. Philips should be reimbursed the expence he has been at, upon this occasion. *Conclude :* H.M. has few or no subjects as yet inhabiting this Province, except the troops in garrison there, but there are near 3,000 French who have continued there, since the cession thereof, and have hitherto obstinately refused

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to take the oaths of allegiance *etc.* The French settlements in the neighbourhood of Nova Scotia are very strong, and their Indians do frequently annoy H.M. subjects when they fish upon the coasts; wherefore it would seem to us highly necessary that either this vessel or some other of the same kind should be employed in the service of this Colony, till they should be in a better condition to defend themselves. [C.O. 218, 2. pp. 49-51.]

Sept. 5.
Charles
Town.

357. Governor Nicholson to the Council of Trade and Plantations. H.M.S. *Blanford* being not yet sailed I herewith transmitt the copy of a Proclamation concerning old bills *etc.* for I found that of late the people had not brought in their old bills to be changed which I supposed was upon some private views of their own and that others might because they would not own the Act *etc.* and some people of ye country might not know the certain time. For wch. reasons and more especially that I might know ye certain summ of the old bills that were changed for the new ones (without wch. no true estimate could be of the number of either) and when the Commissrs. make a return thereof I shall according to my duty transmitt it to your Lordps. I recommended to H.M. Honble. Council humbly to represent to your Lordps. in some measure the state of this H.M. Province which they have done *etc.* (v. encl. i.), which I hope in God will meet with your Lordps. approbation. Our late storm hath very much damaged the fortifications in this place which can't possibly be fully repaired this winter but I have given directions that what can possibly be done be gone about imediately. We have had a great deal of rain of late which hath caused great floods that hath damnified some rice Indian corn and pease. I thank God it is this day fair weather *etc.* I suppose that some of the ships now here will not gett loaded for London till the later end of October by reason the rains have hindred the making of pitch which is the only comodity they can load with, *etc.* Signed, Fr. Nicholson. Endorsed, Reed. 27th Oct., Read 3rd Nov., 1724. 1½ pp. Enclosed,

357. i. Representation of the Governor and Council of S. Carolina to the Council of Trade and Plantations. Charles Town, 4th Sept., 1724. *Report upon the trade of the Province.* Our principal staple rice being continued amongst the rest of the enumerated commodities is the greatest hardship attends our trade *etc.* Refer to arguments of the Agent and fear competition from Movill *etc.* *Continue* :—The directions of the late Act of Parliament for making of green tarr being impracticable in this country, that branch of our trade will be lost, and we shall be in the same condition with our pitch and turpentine, for want of the bounty: so that unless the Parliament give it again, two thirds

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of the bulk of our trade falls, and the Navigation will be much decreased. The French are endeavouring to rival us in that part of our trade also; for there hath lately been in this harbour a small sloop loaded with pitch and tarr, of their making at Movill *etc.* *Argue* in favour of the bounty. *Continue*: This Province stands as much in need of the liberty of importing salt from France and Portugal, as New England, to whom it is granted, for salting of beef and pork *etc.*: besides we have a prospect of settling a Fishery here, had we the like liberty: there being several sorts of fish on our Banks, close in with the coast, which may be improved for foreign markets. We have great quantities of valuable timber fit for the Royal Navy, and plank of pine and cypress: we should be enabled to ship them to Great Britain, if we had the encouragement of a bounty. It would greatly tend to the advantage of this Province if Port Royal was made a port of entry, and proper officers were appointed: it would be much safer for H.M. ships stationed here *etc.*, which could go in and out upon any occasion, which they cannot do at Charles Town for want of depth of water on the barr. *Enclose* map of that harbour. Their presence would encourage the settling that place, being a frontier, and deter any attempt on Fort King George. In the late rupture between the two Crowns, St. Augustine was a resort for privateers, being in the mouth of the Gulph, where most ships trading to the West Indies, especially those from N. America, are obliged to cross, *etc.*, which might be prevented, if a man of war was stationed at Port Royal *etc.* One of the principal grievances of the Province; is the management of the soil: for whilst the Lords Proprietors prohibit the sale of lands, it could not meet a more fatal shock, or a greater obstruction in its settlement. The Land Office hath now been shut up near six years, and in that time undoubtedly (in so flourishing a Colony) many people would have become good settlers, who are already here, and many others would have come hither *etc.* *Pray* for the Board's intervention on their behalf in the above matters. *Signed*, By Order of the Governor and Council, Char. Hart, Secry. *Endorsed as preceding.* 3 pp. [C.O. 5, 359. ff. 216, 216 v., 217v., 229-230v.; and (abstract of covering letter) 5, 406. p. 20.]

Sept. 7. **358.** Sir Wm. Codrington to [? Mr. Popple]. *In reply to*
 Dodington. letter of 10th asks for leave for one year longer to settle his
 affairs before returning to Antigua. *Continues*: I am sur-

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prised to hear yt. severall Gentlemen has bene of late put into ye Council wh. were ye chiefe acters and promoters of Generall Parke's death" *etc.* For his own character gives references to Lord Cadogan, Lord Berkeley *etc.* *Signed*, W. Codrington. *Endorsed*, Recd. 8th Sept., Read 1st Oct., 1724. 3 pp. [C.O. 152, 14. ff. 359-360v.]

Sept. 9.
London.

359. Mr. Leheup to [?]. *Asks* that two papers, now signed, may be sent to the Duke of Newcastle's Office, "vizt. a bill of extraordinarys for Mr. Hor. Walpole as envoy, and a letter for appointing Francis Harrison Recorder of some Corporation in N. York or N. Jersey vice David Jenison, pursuant to a letter I gave Mr. Prevèreau from Governor Burnet to the Duke" *etc.* *Signed*, Peter Leheup. 1 p. [C.O. 5, 1085. No. 47.]

Sept. 12.
Province of
New
Hampchir.

360. Lt. Governor Wentworth to the Council of Trade and Plantations. *Refers to* letter *etc.* of 5th April. *Continues* :— I am not yet out of hopes of H.M. Royall bounty to Fort William and Mary. Our stock being next dore to nothing, it would be a great pleasure to me to see something come that way. Our trade being small, dos but a little more or less, bring the year about sometimes a little over and other years under and in case we should be attackt by our enemies, we have not above one round of gunpowder in the Fort. I have ben greatly perplexed in my minde about it. The Assembly say the people are so oppresd with the Indian war, that they can't pay the charge that ariseth thereby. *Refers to former application etc.* *Continues* :—About the midle of the last month, Capt Harmon with a party of troops came upon one of the cheife of the Indian towns about 120 miles from the sea called Naridgeawag, and distroyed about 100 men women and children, which is the greatest slaughter we have made upon them for many years, or indeed ever, on the Eastern tribes. I have joyn'd the Massachuset Govermt. with fifty men on a second march to Penobscut. We have found out a new way to Penobscut, and so intend to attack em by sea and land at the same time. This Indian war is greatly impoverishing to New Hampcher, in perticuler all the towns in this Province, excepting Portsmo. and New Castle, are in close garrison, men women and children crowded all together, and a full tenth of the whole Province constantly upon duty, and notwithstanding all possible cear is taken, yet every week some or other is taken captive or killed. So that your Lordships may judge how we are wasteing boath in numbers, and allso the impoverishing the pore inhabitance. *Signed*, Jno. Wentworth. *Endorsed*, Recd. 6th Nov., 1724, Read 30th June, 1726. *Holograph*. 3 pp. *Enclosed*,

360. i. Account of gunpowder and stores of war in Fort William and Mary, 28th May 1723-1724. *Signed*, Jno. Wentworth. *Endorsed*, Recd. 6th Nov., 1724. 3 pp. [C.O. 5, 869. ff. 247-250v.]

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Sept. 14. **361.** Mr. Popple to Mr. West. *Encloses* Act passed in Whitehall. Montserrat, 1724, *granting to H.M. etc. certain duties upon the imposts of liquors, house rents and mills for the payment of £500 annually to Governor Hart etc.* for his opinion thereon in point of law. [C.O. 153, 14. pp. 164, 165.]

Sept. 15. **362.** Council of Trade and Plantations to the King. Enclose Whitehall. copy of Mr. Torriano's memorial, 8th Aug., that it may be taken into consideration together with their report of July 24th. [C.O. 389, 28. pp. 226, 227].

Sept. 17. **363.** Mr. Birkhead and Mr. Sasoubre to the Council of Trade and Plantations. The petitioners for settling the waste lands between Nova Scotia and Maine, who requested that that grant might pass at H.M. expense, now offer to pay all the usual fees themselves *etc.* Signed, Wm. Birkhead, John Sasoubre. *Endorsed*, Recd. 23rd Sept., Read 7th Oct., 1724. 1 p. [C.O. 217, 4. ff. 267, 267v.]

Sept. 22. **364.** Order of King in Council. Referring to Committee Windsor. Mr. Torriano's report *etc.* Cf. Aug. 8 and July 15. Signed, Robert Hales. *Endorsed*, Recd. 30th Sept., Read 28th Oct., 1724. 1 p. [C.O. 388, 24. No. 167.]

Sept. 22. **365.** H.M. licence of absence to Governor Nicholson for Windsor. six months for the recovery of his health and private affairs. *Countersigned*, Holles Newcastle. *Copy*. [C.O. 324, 35. p. 88.]

Sept. 29. **366.** Petty expences of the Board of Trade from Midsummer to Michaelmas. v. *Journal of Council*. 5 pp. [C.O. 388, 78. ff. 106, 110–111v., 114].

Oct. 1. **367.** Mr. Popple to Mr. Barker. Enquires whether he has Whitehall. received any copper ore from Governor Hart *etc.* [C.O. 153, 14. p. 167]. [Mis-dated 1725.]

Oct. 1. **368.** Council of Trade and Plantations to the Duke of Whitehall. Newcastle. *Enclose* extract of Governor Hart's letter (10th July, 1724) relating to the Danes taking possession of the Island of St. John's, and copy of representation 18th July, 1718, "by which your Grace will perceive how indisputable a right H.M. has, not only to this Island, but also to St. Thomas, which the Danes have long held upon sufferance only, and by a copy of Col. Hart's letter to the Lord Carteret of the 24th May, 1722, sent herewith your Grace will perceive what importance this Island may be of to the British trade ; Wherefore we beg your Grace will be pleased to receive H.M. orders concerning the measures proper to be taken upon this occasion." *Autograph signatures*. 2 pp. *Enclosed*,

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368. i. Extracts from Governor Hart's letters, 10th July, 1724, and 24th May, 1722.
368. ii. iii. Copies of Governor Hart's letters to the Governor of St. Thomas, 1st May, 1722, and June 6, 1724.
368. iv. Copy of Representation, July 18, 1718. v. C. S. P. 1718. [C.O. 314, 1. Nos. 6, 6 i-iv; and (without enclosures) 153, 14. pp. 167, 168.]

Oct. 1. **369.** Mr. Popple to Governor Hart. *Encloses*, as desired
Whitehall. 16th March, attested copies of Acts of Montserrat passed before 1712, etc. [C.O. 153, 14. pp. 169-171].

Oct. 2. **370.** Mr. Scrope to Mr. Popple. *Encloses* following for the
Treasury report of the Board thereon. *Signed*, J. Scrope. *Endorsed*,
Chambers. Recd. 3rd, Read 6th Oct., 1724. *Addressed*. 1 p. *Enclosed*,
370. i. Petition of Robert Armstrong to the Lords Commissioners of the Treasury. Late Naval Officer and Collector of N. Hampshire, and Depty. Surveyor of H.M. Woods in America, petitioner has been removed from his employment upon complaints which he had no opportunity of answering. The only ground of complaint against him was his having done his duty in seizing great quantities of trees fit for H.M. use cut down and destroyed by the informers etc. *Prays* to be heard before the Board of Trade etc. *Signed*, Robert Armstrong. 1 p.

370. ii. The Case of Robert Armstrong. 1 p. [C.O. 5, 869. ff. 62, 63, 64, 66v.]

Oct. 2. **371.** Mr. Popple to Mr. West. *Encloses* for his opinion
Whitehall. thereon in point of law Act of Antego, (i) *for cutting of the intail of certain lands etc. belonging to John Vernon of St. James', Westminster Esqr. (1724)* (ii) *Acts of St. Christophers (1723), for continuing the fortifications of Brimston Hill and Charles Fort etc.; and to prevent the unloading of ballast or rubbish in the havens etc.; and (1724) to prevent the abuses committed in the importation of wheat, flower and bottled liquors; and for establishing a Court of King's Bench and Common Pleas etc.; and for raising a tax on negroes and other slaves, and on the inland trade.* [C.O. 153, 14. pp. 171, 172].

Oct. 7. **372.** Lt. Governor Hope to Mr. Popple. I received your
Bermuda. letter of 2nd June this day, for which I am infinitely obliged to you; and I am very sorry to find that the trading part of the Nation of Great Britain shou'd have so little to do as to imploy their time in opposing Acts of Assembly pass'd in Bermuda etc. The Act passed in 1721 and repealed etc. was passed before my time, and was of a very different nature from the Act now depending (if you will but consider that we

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have no other grounds to go upon), for by it, dry goods only were lyable to a duty of 5 p.c., if imported by strangers only, and that to continue 21 years: but in this last Act the duty is laid upon trade in general, (Indian corn and pease excepted); the inhabitants who paid nothing before, are made lyable to two p.c. and that for the term of four years only. My 23rd Instruction, excepting revenue Acts from the necessity of a suspensory clause, misled me *etc.* I desire your further advice upon it. As to the money raised not being granted to H.M. *etc.*, I have no excuse to make, but that if I can it shall be incerted for the future: But if you will be at the pains to peruse the accounts of this country which I have transmitted to the Board of Trade, you will think it strange that we are not guilty of more mistakes. It has never been in our power (I mean the Governor and Council) since my arrival to induce any of the Assembly to a previous consideration of business before they are actually met; nor is it possible then to keep them together above three days, which is generally spent in doing of little to the purpose. I have met their Speaker in a Committee, several times; but when one talks of laws, or of Instructions, or of the interest of the trade of Great Britain or the interest of their Islands, they do not understand it; and they have an oath of secrecy by which everything they do, or intend, is kept secret, nor wou'd they ever allow any Governor to have the least hand in penning of their laws; so that till their Acts are ingross'd, and laid before the Governor in Council, it is impossible to know their meaning (which for the most part is never to be understood) and immediately they desire to be adjourn'd. It is true I can order them to sitt still untill their business is dispatch'd; but I am very certain if I shou'd do so, that above the one half of them wou'd run away; so that the only thing I have in view, is, to get the gross of the business dispatch'd, without starting at forms: nor will it ever be in any Governor's power here to do otherways, unless that the number of Assemblymen is diminish'd. The last objection is from the merchants, as to the difference made between inhabitants and strangers trading thereto *etc.* I wish the views of those people who call themselves merchants trading to Bermuda were examined into; or that the nature of this Colony were taken into consideration; for (one Jones excepted), all of them were very well pleas'd with the 4 and 2 p.c. Act *etc.* If I had not found them so, I should not so readily have assented to it as I did *etc.* If the inhabitants and strangers are put upon a level in respect to taxes upon trade, the inhabitant must trade at a very great disadvantage; because he is lyable to watching, and all parish duties, and taxes, and serving in the Militia; nor can he recover any debt due to him, but in the common course of law, which is here very tedious: whereas the stranger is exempted from all these

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dutys and taxes, and can immediately recover any debt due to him, upon application to the Governor for a warrant for holding of a special Court. This I have fully represented already, but it seems to no purpose, and I shall look upon the advice you have given me of the additional instruction design'd to be sent, as if it was already arriv'd; nor shall I upon any pretence, pass any Act that does lay any tax upon European goods imported. But if the Excise upon goods and commoditys retail'd and consum'd, will be more acceptable at home, you may beleive it is all that I wish for. I have already recommended it to the Councillors, and shall do the same to the Assembly, whenever the repeal you mention arrives; but there is one difficulty which I am afraid will be insurmountable. How can an Excise (light enough for the inhabitants to bear) be collected; for all liquors are already tax'd, and all the revenues we have are not sufficient to defray the current daily expences of the Government. The fortifications are in ruins, and it will not be a small sum that will repair them. We have had the 5 p.c. duty upon dry goods, and we have now the 2 and 4 p.c. upon trade; but neither of them have ever rais'd £400 sterl. per annum; tho' the collecting thereof costs the one 10 p.c. and the other but 5. But if an excise is laid upon commoditys retail'd and consum'd, I beleive the half of the neat produce of any of the former dutys will be all that it can yeild; because of the difficulty and expence that must attend the collection thereof. *Signed*, John Hope. *Endorsed*, Recd. 24th Feb., 172 $\frac{2}{3}$, Read 30th June, 1726. 5 $\frac{1}{2}$ pp. [C.O. 37, 11. ff. 151-153v., 154v.]

Oct. 9.
H.M.S.
Argyle,
St. Johns
Harbour,
N.F.L.

373. Commodore Bouler's Answers to Heads of Enquiry relating to the Fishery at Newfoundland, 1724. (iii) Describes how he stopped two ships heaving out their ballast at St. Johns *etc.* (iv) No complaints. (v) and (vi) Complied with. (vii) No complaints. (viii) No. (ix) *Instances* 3 masters who were, and 6 who were not provided with certificates from the Custom House at Dartmouth as the Act directs for Green men *etc.* (x) Complied with. (xi) None. (xii) No. (xiii) Observed as the Act directs. (xiv) Accots. are kept in each harbour, which is taken from the Admirals by the men of war, but none of 'em (in my oppinion) return any account to G. Brittain as the Act directs. (xv) and (xvi) Complied with. (xvii) None. (xix) The country produces nothing for the subsistance of the people except fish, so that they are chiefly supplied from England, Ireland and the Plantations. (xx) Chiefly supplied from Great Brittain. (xxi) They are paid in bills or fish from £21 sterl. to £6 a man for the season. (xxii) £110. (xxiii) The inhabitants employ their servants entirely in curing of fish during the fishing season, and have about 4 or 5 men to a boat, but their fish is geny. dearer than the Bank

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fish by a ryall in a quintall, and this year in most places 'twas three ryalls dearer. (xxiv) They employ themselves and servants in providing things necessary for the next fishing season, but there are no persons to administer justice during the winter in any of the places (except St. Johns) and there last year Jno. Jago, Allen Southmead and Saml. Rook, were chosen by the majority of the people to administer justice for the winter season, as appears by an instrument under their hands, herewith transmitted. (v. C. S. P., 1723, Nov. 26). (xxvi) Complied with. (xxvii) None. (xxviii) The flakes are all extended up into the land and have no larger front than formerly allowed. (xxix) Slip rooms are known by the masters tradeing here and inhabitants, but no other accots. are kept, no complaints made thereon. (xxx) The most part of the provisions brought heither for the fishermen is from Great Brittain and Ireland but they generally compleat for a home voyage by provissions from New England. (xxxi) None but what comes directly from G. Brittain are admitted Admls. (xxxii) None. (xxxiii) No. (xxxiv) One or two ships only from Barnstaple and Biddiford continue to allow their companys share of what they make in the voyage and the charge of fitting and maintaining a ship of 100 tuns in that case may amount to about £1300. (xxxv) None that can be discover'd but there is reason to suspect wine and brandy are brought from France as well as salt. (xxxvi) Whatever may be brought from France or any other place is vended among the seamen and inhabitants. (xxxvii) All plantation goods are generally vended amongst the inhabitants. (xxxviii) By the accounts of the several merchants transmitted to me, the rum, mollosses, wine etc. sold this year is computed at only £7392, all paid for in fish or bills, rum at 1/9 pr. gall., mollosses 1/2 pr. gall., sugar 30s. to 40s. pr. cwt., flower at 16/s. pr. cwt., etc. But in my opinion these accots. are far short of the real quantity disposed of. (xxxix) There are about 74 taverns or publick houses, 50 of which are at St. Johns, kept only by inhabitants, the masters of the fishing ships and other traders supply 'em with liquors and necessarys for their houses, and these inhabitants again trust the fishermen etc., but whether upon their own credit or the credit of their masters is not to be discover'd, however they trust them too often so much that at the end of the season they have nothing to carry home, and therefore choose to go away to New England in some of the vessels of that country, which (as I was informed) generally contrive to get to St. Johns for that purpose soon after the convoy is sayled from thence. (xl) Not to be discovered. (xli) They say they pay the masters of fishing ships either in fish or oyl for the passage of their servants after the rate of 40s. each out and 30s. home. (xli) The credit the fishermen meet with occasions many disorders, frequent debaucheries, and thereby the well curing of the fish is very

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much neglected. (xlii) The masters say they do not connive nor encourage their men to remain in the land, except such as come passengers to carry on the seal and furr trade to the no'ward. (xliv) 'Tis believed (the New England traders continue to entice away seamen *etc.*) but no proof can be had of it. (xlv, xlvi *a.*) Complied with. (xlvi *b.*) The Admirals of the fishing ships seem more diligent in their shopps and storehouses ashore, than in takeing and cureing of fish, however the chief reason of the fish not being so good as it us'd to be is that the fish do not come in so early as heretofore, so that a great part of the summer season being over, the latter part is mostly attended with wet, and that prevents their being thoroughly cured, there is no abuse in the ordering thereof nor is there any method to be taken to make 'em better. (xlvii) There is no account of the French fishery to be had at N. F. Ld. (xlviii) and (l) will be answered by Capt. St. Lo., who had orders to take care of the Fishery in those parts. (xlix) No account to the contrary. (li) George Skeffington had all the encouragement and protection I could give him in his undertaking, but he complains of his being disturbed there very much by the Indians, who come once or twice a year to gather oker, and this last time kill'd him a man, and he says if the Govermt. would allow him two boats with 6 men each, he would engage to keep the country allways clear of the Indians. There is one other salmon fishery lately erected, by Masters and Wattson, at Grand Salmonier, Little Salmonier, Cornonet and Piscay Bay, they employ'd this last year 16 men at the charge of £300 wages and outset, and made 180 tierces of salmon, most of which was ship'd for forreign markets before I sayled from St. Johns, but they being very much disturb'd in this undertaking by the people of the country humbly desire your Lordships' favour and protection. *Signed, E. Bouler. 18 pp. Annexed,*

373. i. *Scheme of the Fishery at Newfoundland for 1724.*

Totals:—Fishing and sack ships, 195 (23 from America); burthen, 15,253; men belonging thereto, 3137; passengers on English ships, 1477; boats, 677; by-boatmen, 1126; quintals of fish made, 109,530; carried to foreign markets, 92,090; teirces of salmon, 550; train oil, 659 tons; seal oil, £1890; furs, £790; stages, 293; trainfatts, 174. *State of the inhabitants:* Number of families who keep private houses, 257; who keep taverns, 74; inhabitants, 2702; of which remained in the country last year, 2455; births, since departure of last convoy, 51; deaths, 49. Names of persons who administered justice last winter, John Jago, Allen Southmead, Samuel Rook, at St. Johns only. *Signed, E. Bouler. Endorsed, Recd. 25th March, Read 8th April, 1725. 4 pp. [C.O. 194, 7. ff. 231v.-240, 241v.-243, 245v.)*

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Oct. 9. **374.** Duke of Newcastle to Governor Burnet. I have lately recd. a letter from the Commrs. and Trustees for the forfeited estates, concerning an estate in New Jersey forfeited by the attainder of Jno. Cameron of Lochiel; wherein they represent several difficulties and hardships, wch. Mr. James Rothead their steward in that countrey has met with in the execution of the powers sent him from hence for the sale of the sd. estate. They likewise complain of divers unjust and violent prosecutions carried on against the sd. Mr. Rothead and his brother on account of their good intentions for the publick services, and mention it as an aggravating circumstance, that this ill treatment of their Agent has been with the concurrence of some persons of power and authority in New York, who ought rather to have given him all such necessary support and assistance, as the case required. *Refers to enclosures*, "which having been laid before the King, H.M. hath commanded me to transmit to you, that being thoroughly informed of the state of this complaint, you may be the better enabled to redress it," etc. *Continues*: H.M. is concerned to find, that any person acting under the authority of Parliament, by wch. the forfeited estates are applied to the use of the publick, should be any way interrupted or molested on that account: and it is more particularly displeasing to H.M. that persons employed in offices of power and trust should make use of their authority to obstruct the service of the publick, and the free course of Justice. It does not appear to me who those particular persons are, but so far as they may be under your influence and authority, as H.M. Governor, H.M. directs you to put a speedy and effectual stop to their violent proceedings, and to use all proper means, that the publick may reap the benefit of the sd. forfeited estate. *Encloses* a letter from the Trustees to him, and *acknowledges* letter of 9th Aug. *Signed*, Holles Newcastle. *Enclosed*,

374. i. Commissioners and Trustees for the forfeited estates to the Duke of Newcastle. Trustees Office, Edinburgh, 26th Sept., 1724. *Refer* to former letter concerning the forfeited estate of John Cameron of Lochiel in New Jersey. *Continue*: We have had a new application in behalf of the Steward appointed by us in that country, representing that not only has he met with difficulties and oppositions in executing the powers sent him, but that his brother and he on account of their readiness to serve the publick have been injuriously prosecuted by vexatious and calumnious prosecutions, carried on by the concurrence of some of those who have authority in that place, and from whom they rather expected all the support and encouragement which their office and power enabled them to give. A prosecution for damages was

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carried on against John Rothead, brother to our Steward, for having said that John Cameron was forfeited, in which it appears by the account sent us by our Steward, the procedure against them was in a manner very arbitrary and unjustifiable, and the violence of the prosecution against them has been increased since our powers were sent over. *Refer to enclosure.* For greater security, *ask His Grace* to forward their letter to Governor Burnet, and request his support. *Signed,* Denis Bond, H. Houghton, Arthur Ingram. *Copy.*

374. ii. Memorial of James Rothead, merchant in New York, and John Louthian, writer in Edinburgh, to the Commissioners and Trustees for forfeited estates. *Describes* "two unjust, scandalous and malicious prosecutions" brought against him and his brother, in order to damage their fortunes and reputations, though happily without success *etc.* and *ask for* protection. *Signed,* John Louthian. *Copy.* [C.O. 324, 35. pp. 89-97].

- Oct. 10. **375.** George Clarke, Dept. Auditor at New York, to Horatio Walpole. Not having had the honor of your commands how to act in what I formerly mentioned of calling Col. D'peyster to account, for several sums in the two long bills, I have gone no further than to send several messages to his wife acquainting her that her husband must account for them, and desiring her to get them prepared, but instead of giving me an answer she applied last session to the Assembly, who came to the several resolutions inclosed, this gave me occasion to talk to Mr. Philips upon it, whom I found entirely prepossessed in favour of the Colonel, and the House was unanimous in their resolves. I thought it behooved then to give him cause to believe I should proceed against the Colonel without loss of time *etc.*, referring to the judgment given against the late Treasurer in the Supreme Court, that he should account *etc.* I fee'd a lawyer (Mr. Bickley my former lawyer being dead) to assist the Attorney General, but they can find neither pleadings, nor records and Mr. Alexander, the former Attorney General, denies that he has them, saying they are in the Secretary's office; but my Deputy and Clerks averr they were never delivered to them, this is plainly a trick to defeat the King, but I shall baulk them I hope; the rule for judgment being in the books; my enquiry after these proceedings will give me a fair occasion of waiting for your commands *without suspicion.* The reasons contain'd in those resolves are no other than what that House has before made use off, and may as well be applied to any demands of accounts of money hereafter to be given, as to the present case, for if the appropriation of the money, in the Acts them-

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selves, barrs the Auditor, there is an end of his authority for the future, but they give these reasons for want of others, for they know that Col. D'peyster has before accounted for several sums particularly appropriated, and that his son the present Treasurer accounted for the money given twelve months ago, notwithstanding it was then their intention that he should not account for them, the honour of which the Governour takes to himself, how much soever he was against it when the bill past, but when I spoke to him about the late Treasurer's accounting he said that he was not in his power, as the present Treasurer is: You are sensible how grudgingly everything comes, and I hope when you have a little leisure from the great affairs that now engross your time, you will please to think of some methods to preserve your office from this precarious situation, for in every instance I find some mask is put upon it, to let the world see that it is submitted to for the present only, of necessity; When the bill I mentioned passed in 1723 the *officers residing in the Government* were only considered but this year in a bill of the same nature, by the Governour's interposition the words *residing in the Government* were left out. So that one would have imagined your warrants, that were then unpaid, would be paid out of that money, without scruple; yet they were not, the Treasurer telling me it was not intended they should, for that you were not an officer of the Government, nor is your 5 p.c. a salary, and gave me a hint that this was the sense of the Assembly, but told me at the same time he would pay me as the revenue came in. I knew that would soon enable him, however to assert your right, I threatned to sue him on the Revenue Bill, which directs him to pay warrants in course, as they are numbred. He went to the Governour to complain, who thought, with the Treasurer, that yours was not a salary but a fee; I could not submit to it, I urged the parity between yours and the Treasurer's 5 p.c., but the Governor said that was a different thing, giving me to understand that it is well yours anyhow, at the same time speaking to me to forbear suing the Treasurer; I told him at his request I would; this I did to let him see that I would stretch a point to oblige him when it did not interfere with your commands. *Asks for directions. Copy, of later date.* 2 $\frac{1}{4}$ pp. [C.O. 5, 1085. No. 49].

- Oct. 10. **376.** Mr. Cumings to the Council of Trade and Plantations.
 Boston. In obedience to your commands I take leave most humbly to represent to your Lordships what occurs to me for the benefite of the trade of Great Brittain *etc.* I doe find that the trade carried on betwixt our Colonies and the dutch and french settlements in Surriname, Cayan, Martinico and Guardulupe with horses is very prejudicial to our West India trade for without horses thesse forreign settlements cannot improve ther

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plantations of suger, for all their milns are wrought with horses not having windmills as wee have and the returns wee have for our horses being generally in molosses they not knowing what to doe with itt generally distill itt into rume which debauches our people much so that a prohibition of trade to those places with horses will be of great service to our plantations in making our sugers more vendable at forreign marcates and the lesser quantities of rume drink upon the Continent besides the prevention of illegall trade carried on betwixt those places and the Continent for hollands linens, french lulstring and alamodes, wines and brandies which are often runn on shore and for want of more officers cannot be so well prevented as otherwise but a prohibition of trade would in a great measure prevent it. I have a scheme which I could lay before you for the advantage of trade and whereby I can demonstrate to your Lordships to save att least annually to the Crown about £80,000 sterling and make the plantations more beneficiall and under a greater security from forceing attacks if your Lordships would be pleased to allow me £600 for the expence of my voyage and while I am in Great Brittain, for I never received any reward for my services and representations made to your honble. Board *etc.* *Signed*, Archd. Cumings. *Endorsed*, Recd. 10th Dec., 1724, Read 11th Augt., 1726. 1 p. [C.O. 5, 869. ff. 330, 330v.]

Oct. 12. **377.** Mr. West to the Council of Trade and Plantations. Has no objection to Act of Antigua *for cutting off the entail of lands belonging to John Vernon of St. James, Westminster.* *Signed*, Richd. West. *Endorsed*, Recd. 12th Oct., 1724, Read 21st Oct., 1725. $\frac{1}{2}$ p. [C.O. 152, 15. ff. 126, 127v.]

Oct. 15. **378.** Mr. Popple to Mr. West. *Encloses* for his opinion in point of law Acts of the Massachusetts Bay 1715-1723. *List annexed.* [C.O. 5, 915. pp. 411-424].

Oct. 15. **379.** Governor the Duke of Portland to the Council of Trade and Plantations. Since the last I had the honour to write to your Lordships, which was by the *Adventure* man of war the 13th of July past, I have receiv'd yours of March 31st, *etc.* I have as yet heard nothing in answere concerning the extraordinary behaviour of Capt. Laws, nor anything else relating to the behaviour of the rest of the Captns. of the men of war, which I have often represented as destructive to the good of this Island, and must continue to do so, till I am forbid, since my duty requires it; nor have I receiv'd any informations or directions concerning the Spaniards having protected and secur'd the pirate ship *Cassandra etc.* I have receiv'd the Queries your Lordps. sent *etc.* I have communicated them to the Council, and given every one in particular a copy of the

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same, requiring them to make the best enquiries they were able in their respective precincts, and have also sent orders to all the proper officers to get in and send me the best accounts they could, wth. the utmost dispatch, but as yet have not receiv'd what I have recommended to them in the strongest manner, and am not only in this, but in several other things oblig'd to wait their leisure, as well as their pleasure. I have also receiv'd the Order in Council relating to a petition of Isaac Miranda *etc.*, and have acquainted the Council therewith; proper steps are taken to examine into that matter and as soon as I can, will send your Lordships a particular accot. of it *etc.* I did propose, and have been aiming to send over a perfect state of the affairs in this Island, but find it impracticable in the manner I co'd wish, which obliges me, from time to time, to acquaint your Lordps. wth. things as they occur to me, should I wait till I co'd reduce everything into a method to be laid all at once before your Lordps. it wo'd require more time than the nature of affairs, will admit of, and such a delay might be look'd upon as negligence in me, therefore shall always continue as I have hitherto done to acquaint your Lordps. as soon as possible, wth. whatever happens or what I can discover, in order to desire your Lordps. countenance, and assistance, and to receive your Instructions therein *etc.*, also answers to the Queries will render the State of Affairs unnecessary *etc.*

Refers to case of Chandois and Esperance (v. 13th July).
Continues: I co'd never have thought people would have ventur'd to attempt proceeding wth. so much arrogance clamour and obstinacy as they have done in all this transaction; The persons concern'd in the ship and sloop had made such a party, that without a good deal of resolution and steddyness in our proceedings, they wo'd have got the better of the Governmt. but they were surpris'd not to find the same weakness (avoiding to give it any other name) as they had upon the like occasions here before done. Some persons in whome I have found a very great change ever since my arrival and much different from what I expected of them by their characters before I came away and of whose behaviour I have in my letter of March the 4th taken notice, that they contrary to my expectations had rais'd groundless jealousies in people's minds, did joyn wth. those concern'd in the sd. ship and vessell and were the chief advisers and promoters of most if not all what co'd give uneasyness; I shall enlarge further concerning them in another paragraph. I don't at all question but after this trial of skill, wherein they found nothing co'd move me from pursuing what is expected from me at home, they will be discourag'd for the future, and think it hereafter a vain attempt to struggle with the Governmt. in pursuit of their own ends, contrary to Law and Instructions. I was oblig'd in order to stem the fury of the rais'd party, who had almost got the better

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of the Vice-Admiralty Judge, by intimidating him, to suspend him *pro tempore*, and to appoint another to supply his place, they had carry'd it so far, as that I co'd find none disposed to accept of it, wch. oblig'd me to enjoin H.M. Attorney Genl. to officiate, who seeing the indignity attempted against the Governmt. readily comply'd, and has wth. a good deal of resolution and credit, not minding the insolent threats of those concern'd in the party, gon thorough wth. it ; They had even prevaild wth. the Officers of the Court to joyn so far wth. them as not to mind and stand out in contempt to the orders of the Attorney Genl. who then was Judge of that Court, wch. oblig'd him to exert himself, and in order to see a performance of his decrees was forc'd to put those Officers under confinement, whilst so, their insulting behaviour can hardly be describ'd and their party carry'd it in so arrogant a manner, that more than ordinary care has been wanting to preserve the publick peace, their meetings were so numerous, and so contrary to the customs us'd here (where people generally meet in a sort of an undress) by their appearing constantly dress'd and arm'd that nobody co'd tell what they intended, or might have attempted, when their reason was drown'd, and their spirits rais'd wth. liquor, wch. they never us'd to spare ; That party had also even got some of the Assistant Judges to side wth. them, who countenanc'd them with their authority contrary to law and beyond their power, in their insulting proceedings against the Government. Things being push'd wth. so high a hand, it was then time for me to shew myself, and was forc'd immediately to remove those Judges, and to take the necessary measures to prevent all manner of disturbance, declaring I was resolv'd to suffer no such abuses ; When they found I was in earnest not to yield to all this struggle, they then thought proper to consider better themselves, and to submit by complying wth. the orders and decrees of the Court, wch. they wo'd feign have made (had they been suffer'd to go on) serve only their private purpose and advantage ; If they do appeal at home I hope I shall have an opportunity to set this in as clear a light as may be, being satisfy'd nothing but a misrepresentation can countenance their behaviour and that my transactions in this will meet wth. approbation, and when well examin'd into if they complain of any hardships it may perhaps be thought I have been too indulgent. Now to explain what I have said concerning the change in some persons, *etc.* Your Lordps. will think I might well be surpris'd to find that they disappointed me, and that I had good reason at my first arrival to repose a confidence in them, since it was Mr. Bernard himself and his friends who under the colour of being very zealous towards the service of the Publick and shewing a particular regard to me, have in their secret transactions, acted quite contrary to their publick professions. I have sevl. times been

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at a loss to discover by what artifice, what had been secretly concerted for the service of the Island, had been publish'd at a time I thought no body co'd have the knowledge of it, and people's minds ready prepar'd against it, by their being misled and prejudic'd in their opinion beforehand. What has help'd me towards detecting it is, that upon every urgent trial, where the assistance of Mr. Bernard and his friends, was particularly requir'd, I have found more trouble and disappointmts. than I co'd well have expected. At first their characters had such a weight wth. me, that I gave way to their reasons, thinking them better judges of the people, and of the constitution of this Island, than I co'd be. But now at last, it too plainly has appear'd, that those reasons have chiefly been frivolous excuses to deceive me, and that they abus'd the confidence I had repos'd in them; They made use of their emissaries to disclose what they thought of use for their purpose, and to poison, as well as they co'd, the minds of the people, and I don't at all question, but that to their private correspondents in England they have writ over, such things as they durst not here publicly declare, but I am very easy about that, being satisfy'd time will allways discover the truth, and my aim chiefly being that my transactions whenever enquir'd into may speak for themselves to the world; The chief and only reason I can give for all this, is, as your Lordps. very well know, that when I came over, Mr. Bernard had a dormant commission by him of Lt. Governour, wch. was superceded by the commission granted to Collo. Du Bourgay, and whoever knows Mr. Bernard personally, must know, that his pride, the imperiousness of his temper, and the violence of his passion, wo'd never give him leave to sit still and be easy under it. He has carry'd his resentment privately in his heart ever since, and will never (if I am not mistaken) forgive the Ministry for such an affront as he takes it to be. Pretended friends certainly are the most dangerous enemys. By what I can find and learn he allways has had the Government here in view, and thought his commission a sure step towards it, not questioning but that in case any accident sho'd have happen'd to Sir N. Laws, who is his father in law, he certainly wo'd have succeeded him, and wo'd now be thought to be of that consequence, and moment here, that nothing can be well carried on without his assistance, and if in his power, wo'd feign put matters in such a confusion as to be thought of, at home so necessary, as that he may receive some hopes, or have some prospect, of what his ambition leads him to aspire to, how proper that wo'd be, I submit to better judgment but cant help saying, sho'd his temper ever be gratify'd; that I apprehend this Island then, wo'd be in the greatest confusion. He has been the adviser and supporter of the disturbance wch. has happen'd concerning the condemnation of the aforesd. ship and schooner. It was he who

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prevail'd wth. the Officers of the Court not to comply wth. their duty. His passion in that got so far the better of his judgment as to appear so publickly, that all his private transactions beforementioned, wch. tho' discovered by me, and only privately suspected by others, are now become the common and general discourse, and by most, if not by all, a good deal censur'd. I will only mention one particular concerning his behaviour, wch. is, that the very day the Officers of the Court of Admiralty were put under confinement, he oblig'd his Lady to go to the house where they were, and to take wth. her all her friends and acquaintance, wth. a design to dance there all night, altho' but a day or two before, she had excus'd herself from coming here, under pretence of an indisposition, upon the solemnization of H.M. accession to the Throne, wch. was observ'd in the handsomest way this place wo'd admit of, by an entertainment, and a ball, what made it more remarkable was, that it happen'd upon one of our weekly publick nights, and strove by all the ways they co'd think of, to prevent anybody's appearing here, but wch., when discover'd, several people receiv'd their invitation wth. indignation, and repair'd here full wth. the news of it, but the poor Lady, who in obedience to her husband's commands, and contrary to her own inclinations, had gone where she was order'd to go, got such a sickness there, as cost her her life, within a few days after. Her death was lamented by all those that knew her; It is to be observ'd that all those who attempted to make a disturbance, were all particular and intimate friends of Mr. Bernards; He co'd by his single advice have prevented all manner of uneasiness, wch. plainly appear'd afterwards as soon as he declar'd it was not adviseable to stand out any longer. At least as a Counsellour, and one wth. whom I had always kept a constant and more than an ordinary friendship, one might have expected that he wo'd have come, and have given me the best intelligence he co'd, as also acquainted me wth. his opinion, in case he had thought anything wrong, but to the surprise of everybody, as well as my own, he never came near me, but joyn'd with them in every thing that co'd be thought of, to raise clamour, and to insult; His behaviour ever since (now he thinks that by the lengths he has gone all his private and underhand transactions are discovered) has been very extraordinary; But as I have always avoided to put myself in any one man's power, and resolv'd, after a due consideration to act wth. steddyness (which by experience I have found to be the only way to have the general approbation and assistance) the best method to be taken concerning him, is, to let him alone, and take no other notice of him, than what the station he is in requires, and don't at all question but that I shall disappoint all those who are chiefly led by any private views or designs of their own. I hope I shall succeed in what may come recom-

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mended to me, for H.M. service, and for the ease and advantage of this Island. The Assembly met here according to their last adjournment, the 20th of Sepr. last, and having receiv'd no informations or instructions concerning what I sent last over to your Lordps. I have further adjourn'd them to the 20th, of this month; We wait with impatience for the arrival of a ship that may bring over some satisfactory news, sho'd it prove to be H.M. approbation of what has been sent, it certainly wo'd be receiv'd wth. great joy, and believe I may venture to say, that altho' there sho'd have been some alterations to make it entirely conformable to H.M. intentions, tho' they might meet wth. some opposition (which wo'd chiefly come from those I have been mentioning here before) yet they might with good management be remov'd and overcome. It is my opinion by what I see now, since the laws are expir'd that the generality of the people are rather inclin'd to wait wth. patience, for H.M. final determination concerning their laws, and the Revenue Act, than to receive any other Instruction to continue them upon the foot they have been, and their confidence in me (tho' modesty will hardly admit me to say so) seems so entire, that they dont express the least uneasiness at the expiration of their laws, only some and their numbers few, and the same who strive to raise difficultys and create a confusion wch. I can assure your Lordps. it will not be in their power to do. *Apologises* for length of letter, *etc.* If I err in anything shall be oblig'd to you for setting me right *etc.* *Signed*, Portland. *Endorsed*, Recd. 23rd Dec., 1724, Read 28th April, 1725. 7½ large pp. *Enclosed*,

379. i. H. E.'s Speech to the Council and Assembly of Jamaica, St. Jago de la Vega, Sept. 30, 1724. Adjourns them till 20th Oct., expecting H.M. Instructions on the Revenue Bill and renewal of laws *etc.* *Endorsed*, Recd. 23rd Dec., 1724. *Copy*. 1¼ pp. [C.O. 137, 16. ff. 54-57v., 58v.-59v., 60v.]

Oct. 15. **380.** Governor the Duke of Portland to the Duke of Newcastle. *Acknowledges* letter of 2nd April and compliments him upon his succeeding Lord Carteret *etc.* *Refers* to former letters and the case of the *Chandois* and *Esperance* (v. July 13), continuing as preceding covering letter from second paragraph. *Signed*, Portland. *Endorsed*, R. Jan. 7. 7 pp. *Enclosed*,
 380. i. Duplicate of No. 379. i. [C.O. 137, 52. ff. 83-87v.]

Oct. 18. **381.** Governor Worsley to the Duke of Newcastle. *Acknowledges* letter of 18th July and *thanks* "for the great goodness your Grace is pleased to express for me" *etc.* *Encloses*, Excize Act, "which I hope is past agreeable to H.M. Order in Council." *Continues* :—In order thereto I sent to H.M. Attorney General a copy of it, with directions to him to see that it was drawn up

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according to the tenour of it ; There is a particular saving clause to H.M. prerogative, and an appeal allowed from the Treasurer to the Governour and Council, and no dutys laid on English liquours, which till now they have always paid here, and, as we are informed, in Jamaica, and leeward Islands, considering how great a branch of the Excize this has been, and the debts of the Publick as well as of the particulars in this Island, it made the Assembly uneasy, and they talked of petitioning H.M. for the $4\frac{1}{2}$ p.c., but I promised to pass a bill with the dutys on English liquours, tho' not to be in force till approved and confirmed by H.M., as I am authorized by the Order in Council, I do not hear that they mention any thing further upon this head. The penaltys on running any liquours seem to be too great, but the Attorney General told me, that he understood the meaning of the words in the order that the trade and shipping of Great Britain should not in any ways be affected, must be that no dutys should be laid upon trade and shipping, for if there were no penaltys the bill would be ineffectual, and that we had the experience from the greatness of the penaltys, that the Excize Act brought into the Treasury of last year above as much again as it had the two preceding years, and as this clause was made only in terrorem, and as there is an appeal from the Treasurer to the Governour and Council, and then, of course, to H.M. in Council, the trade and shipping of Great Britain can never suffer. The abuses in this part of the world in running of goods are inexpressible, and they are the most refined smugglers I ever heard of, however they may agree in partys they all agree in this : I have been credibly informed that ships have entered here but twenty pipes of Madeira wine and at the same time have runned four score, and indeed without a severe penalty the Excize Act would produce nothing ; no inconveniency has yet been found from the severity of the penalty ; however, if, after the method I have taken of consulting H.M. Attorney General, in order to obey H.M. order, I should have mistaken the sence of it, I most humbly ask pardon, and hope it will not be imputed to me as a crime, and begg the honour of H.M. commands upon that head. I have also the honour to enclose to your Grace an Act appointing Agents for this Island in Great Britain, and Minutes of Council, 12th May—Sept. 1st, 1724 ; of Court of Chancery, 13th May—2nd Sept., and of Assembly, 7th July—7th Aug. The late President Mr. Cox being pressed by his creditors, lately went off nobody knows where, but supposed for Maryland, in a vessell of his own, and carried away several debtors, he nor they not having set up their names in the Secretary's office, nor taken proper tickets to go off as the Law directs. By virtue of an order of Council in relation to Mr. Cox's tryal I have put in his room Col. Terril a Gentleman of known affection to H.M. and his Gouvernment, of great probity

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and justice, and of a very good and clear estate in this Island as well as in England. Pursuant to the 12th Art. of H.M. Instructions I have removed John Waterman Esq., Chief Judge of Speights Court, for being necessitous, and not paying his debts, tho' especial writs have been issued against him, and I have put in his room George Forster Esqr., a gentleman every way qualified. I have likewise removed Robert Vaughan Esqr., Judge of St. Andrew's Court, for curruption in the execution of his office as a Justice of the Peace, and for not issuing out his warrant to apprehend one Richard Wooding an Irish Roman Catholick for speaking infamously of H.M. and the Royal Family, upon the evidences of a Purser, and a midshipman of the *Hector* man of war in whose company the words were spoken. I have also ordered him to be struck out of the Commission of the Peace, and I have put into his room as Chief Judge of St. Andrews John Jeeves, Esqr. a Gentleman every way qualified for it. *Refers to letter of 3rd March, "since when Capt. Cooper has not been near me" etc. Continues:—* Upon his arriving here the first instant from Martinique, where he had laid up his ship for the hurricane months, he sent me a letter by his Lieutenant advising me that he was arrived, and that by a letter he had received from Mr. Burchett the Lords of the Admiralty had not signified anything particular in relation to his conduct here besides recommending in general the good of the service, and refered him to the Instructions already received, and that he should be glad if I would think of some method of consulting and advising with him for the good of the Colony and its trade; I ordered the Secretary to return him for answer, that I had not received any orders from H.M. upon that head, and therefore could not answer his letter but as I supposed he was sent hither to attend on the service of this Island, and as he had represented to me his disposition to do every thing for H.M. service and the good of the Colony and its trade, I would order his letter to be read before me and the Council at their next sitting, when he ought to lay his Instructions before us that we might judge whether we might and how far we could imploy him for the good of both; he replied that whenever myself and the Council were willing to consult and advise him he should be ready to attend us, and concur in whatever measures should be proposed for H.M. service, but he begged to be excused from laying his Instructions before me and the Council because he had no directions so to do *etc.* About the latter end of June last Capt. Cooper ordered his third Lieutent. to bring a cable on shoar to be housed in James's Fort, which the Lieutenant did, and meeting the gunner upon the wharf asked for the key of the guard-room to house the cable in, which the Gunner refusing to do without an order from me, they left it in the street where it remained two days, when Capt. Cooper departed for Martinique,

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I being then informed of the bad condition it was in, ordered it to be washed clean at my own expence and housed in the guard-room of the said Fort, a very improper place for H.M. stores, tho' the only one I have to lodge anything of that nature in, therefore I believe it would be for H.M. service, since there is an Agent Victualler here, that he might be appointed to take care of the naval stores that may be left here for H.M. men of war. I deferred giving any account of this till now, hoping that Capt. Cooper, upon his return hither might have recollected himself, in that there are no vouchers for the receipt of the said cable, or any body charged with it, and may almost be considered as a derelict. *Refers to enclosures. Signed, Henry Worsley. Endorsed, Rd. 18th Dec. 14 pp. Enclosed,*

381. i. Capt. Cooper to Nicholas Hammond. Barbados. 4th Oct., 1724. *Reply to No. iii. Described in preceding. Signed, F. Cooper. $\frac{3}{4}$ p.*

381. ii. *Same* to Governor Worsley. Announcing his return etc. *Described in covering letter. Signed, F. Cooper. Copy. 2 pp.*

381. iii. Mr. Hammond to Capt. Cooper. Barbados, Oct. 2nd, 1724. *Reply to preceding. Described in covering letter. Signed, Nicho. Hammond. Copy. 1 p.*

381. iv. Duplicates of Nos. i-iii. 4 pp.

381. v. List of fines (£1) of the Grand Sessions, 9th-12th June, 1724. *Signed, Cha. Browne, Dep. Cl. Cor. $\frac{3}{4}$ p. [C.O. 28, 44. Nos. 77-80, 82, 88].*

Oct. 18. **382.** Governor Worsley to the Council of Trade and Plan-
Barbadoes. tations. *Encloses replies to Queries, "which I have not been able to do sooner, having been very much out of order for these three months past." Continues as preceding covering letter, adding in conclusion ;—Pursuant to the 35th Article of H.M. Instructions, I have suspended the payment of Mr. Phillip Kirton and John Goodwyn, their fine for £100 each, upon their petition for time to apply to H.M. for to have it remitted etc. Refers to enclosures. Signed, Henry Worsley. Endorsed, Recd. 23rd Dec. 1724, Read 21st April, 1725. 14 pp. Enclosed,*

382. i. (a) Petition of Philip Kirton and John Goodwin to Governor Worsley. Petitioners stood surety in £100 each in 1716 for the appearance of Richard Raycroft of Christ Church parish, then an infant, to give evidence as to the death of Francis Gibson, late Master of the *Merchant's Adventure*, found dead near the Free School, St. Michaels. Raycroft attended the Grand Sessions in June, 1716, but no proceedings were had, but in 1722 petitioner's bonds were estreated by the said Court, Raycroft not appearing to give in his evidence relating to the supposed murder. *Pray for stay of execution whilst they appeal to H.M.*

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(b) Governor's order accordingly, 2nd Sept., 1724, after receiving Attorney General's opinion. *Signed, Henry Worsley. Endorsed as preceding. Copy. 3 pp.*

382. ii-iv. Duplicates of Nos. 381. i-iii.

382. v. Governor Worsley's Replies to Queries from the Board of Trade. (i) No commodities of the growth of this Island are exported except to Great Britain and the Northern Colonies. The vessels belonging to the Island trade to Guinea, Ise-Cape, Surinam, Curaçao and the Leeward Islands. Their names and masters given. Total vessels, 20; tonnage, 616; men, 158. (ii) For the British manufactures consumed, *refers to* the London Customs. (iii) The Island trades to Ise-Cape and Surinam whither they send Madera wine, and some little trifling goods, with which they buy timber for the mills. They generally clear out to St. Eustace, St. Thomas and Sta. Lucia with flower, beef, pork, biskett and negroes, because from these places they bring back no clearances, and can the more easily cover their true design, which is to trade with the French at Martinico, which they do by the connivance of the Governour there, and in return for the commodities they export from hence, they bring back cocoa nutts, which is openly imported, and clandestinely French brandy, and other French commodities, and money when it is lowered there, but when they raise it again it returns back to Martinico for cocoa nutts, and the manufactures of France. (iv) The methods used to prevent illegal trade are, by putting the Acts of Trade and Navigation in force, and giving all due encouragement to H.M. Officers of the Customs, *etc.*, who take all the care, that so small a number, twelve, can do; and as I found that some French sloops traded upon the coast, and that a great many goods were run in little creeks, in several part(s) of this Island; I appointed last year a sloop, that was seized and condemned to be a guarda costa, to prevent the practices of the French; and I told the Collector of the Customs, I would contribute a share towards the maintaining of her, till I should hear the Commissrs. of the Customs would be at the charge of keeping her, and desired him to write to them. But as they have been silent, I shall order her to be sold. (v) The natural products are sugar canes, ginger, cotton, aloes: Manufactures, sugar, molasses, rum. Of cotton they make hammocks, a few stocking, and netts for horses, and of their fruits, citron water and sweetmeats. (vi) Mines, none. (vii) By a medium of exports for 3

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years ending June 1724, as the Custom House Officers have informed me, the annual produce is 17,000 hds. sugar, 100,000 lb. cotton; 300,000 lb. ginger; 23,000 lb. aloes; 17,500 hhd. rum; 700 hhd. molasses; 150 hhd. lime juice. Besides these, a great quantity of the above commodities is run, wch. would be remedied in a great measure, were there more officers, for want of which these illegal practices can't be prevented. It is impossible to calculate what may be consumed here. (viii) Population, by accounts from churchwardens of every parish; 18,295 Whites; 55,206 Blacks. (ix) Cannot answer whether numbers have increased or decreased. (x) Militia, 4,812. (xi) *Refers to* account of forts and stores *etc.* sent 24th Sept., 1723. All the fortifications and stores are in a very ruinous condition, most of the cannon we have are honeycomb'd. I compute there are about 100 wanting. The small arms, swords and bayonets in the Magazine are gone to decay. (xii) The French at Martinico grow every day more populous. They have as many white inhabitants as we have. When the D. of Montagu attempted the settling of Sta. Lucia, the French sent over from Martinico 1500 men to oppose it. The English themselves have contributed towards the enriching the French settlements, by supplying them from the Northern Colonies, with lumber and horses, for which they carry back their sugar and molasses. They have two sea-port towns, Port Royal and St. Pierre, (described). (xiii) As the French at Martinico become daily more populous, and have so improved in the making of their sugars almost equal in perfection to the best made here, they very much affect the sale of our sugars here, in that there are numbers of ships from the Northern Colonies, which go directly to Martinico, where they import horses and lumber, and export the commodities of that country, particularly sugar and molasses, the latter of which being of no use to the French, whilst they can have brandy from their own country, will never distill rum, and therefore can afford it very cheap, and from hence in the Northern Colonies, they have been encouraged to build numbers of distilling houses, which affects so much the rum of this Plantation, that it is not now sold for above half what it was formerly. As the French have chiefly cattle mills for grinding of their canes, were they not supplied with lumber and horses from the North, they would not be able to carry on the sugar manufactures and if we did not supply them with provisions

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from hence, they would oftentimes be drove to the greatest streights. (xiv) Revenue. *Receipts* :—By Excise duty for year ending 8th Aug., 1724, £7947 15s. 4½d. By the ½ crown levy for year ending Sept. 30th, 1724, £11,103 17s. 10d. *Total*, £19,051 13s. 2¼d. *Payments* :—To the Governor, £7,800 ; To the sinking of old debts, £9,000 ; To part of the annual growing charge, £2251 13s. 2¼d. *Signed*, George Plaxton, Trear. (xv) All the land in this Island is granted from the Crown, except the land known by the name of the Ten thousand acres, the merchants land, granted by the E. of Carlisle to particular associates *etc.* (v. Act of 1663). There is no quitt-rent reserved, they hold here by common or free soccage. All the land is taken up and cultivated. (xvi) An account of salaries *etc.* of garrison (£2,665), Agents (£768) and other officers *etc.* *Total*, £6539 6s. 8d. (xvii, xviii) Lists of Members of Council and Assembly. (xviii, xix) Lists of Masters in Chancery, Judges and Judges Assistants in Courts of Common Pleas. (xx) Patent Officers :—Francis Whitworth, Secretary and Clerk of the Council, Richard Carter, Attorney General, Horatio Walpole, Auditor General, William Dalrymple, Receiver General of H.M. Casual Revenue, Anthony Cracherode, Clerk of the Crown and Register in Chancery, Charles Huggins, Remembrancer of the Court of Exchequer, Thomas and Francis Reynolds, Provost Marshal General, Francis Reynolds, Marshall of the Vice Admiralty Court, John Cornelius, Naval Officer, Alexander Burnett, Clerk of the Market. (xxi) List of Colonels, Rectors, Agents, Collectors and other officers. (xxii) Other Islands under this Government, unsettled, are, Tobago, Sta. Lucia, Dominico and St. Vincents. Their soil and natural produce are the same with Barbados. If improved, they are capable of producing sugar, rum, mollasses, cotton, ginger, aloes, indigo, cocoa, annatto, piemento. *Endorsed as covering letter.* 17 pp.

382. vi. Papers relating to the petition, No. 1 supra, 1716–1722. *Same endorsement.* *Copies.* 6 pp. [C.O. 28, 18. ff. 162–168v., 169v.–172v., 173v., 174, 175v., 176, 177v., 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195v., 197–199v., 200v.]

Oct. 19. **383.** Lord Townshend to the Council of Trade and Plantations. Encloses following. *Concludes* : It is H.M. pleasure, that you should consider how the law stands at present, and report your opinion what is proper to be done for the encourage-

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ment of so usefull and necessary a trade here. *Signed*, Townshend. *Endorsed*, Recd. 12th, Read 13th Nov., 1724. 1 p. *Enclosed*,

383. i. Petition of the Master Shipwrights of the River Thames to the King. By the great number of ships and other vessells lately built, now building and still likely to increase to be built, in New England and other parts of America, the trade of Petitioners is very much decayed, by reason of which great numbers of those able shipwrights brought up and employed by Petitioners, for want of work to maintain their families, have been necessitated to withdraw themselves from their native country into America and other forreign parts and services, to the great prejudice of Petitioners and of Trade and Navigation in generall, but most especially to the great danger and damage that may attend the service of your Majesty in fitting out your Royal Navy on any extraordinary emergency. 16 *Signatures*. 1 large p. [C.O. 5, 869. ff. 67, 68, 69v.; and 5, 915. pp. 426-429.]

Oct. 19. 384. Mr. West to the Council of Trade and Plantations. Has no objection to Act of Mountserratt *granting* £500 *annually to Governor Hart etc.* *Signed*, Richd. West. *Endorsed*, Recd 18th Oct., Read 24th Nov., 1724. $\frac{1}{2}$ p. [C.O. 152, 14. ff. 408, 409v.]

Oct. 21. 385. Mr. Popple to Mr. West. Encloses, for his opinion Whitehall. in point of law, Act of New York, 1723, *to enable Thomas Dungan and Walter Dungan, two surviving kinsmen of Thomas late Earl of Limerick, to sell some part of their estate for payment of their debts, and discharging some incumbrances wherewith the same is now charged.* [C.O. 5, 1124. pp. 355, 356.]

Oct. 24. 386. Anonymous account of proceedings taken to obtain a warrant to commit Capt. Elston, sent from Barbados (v. 31st July), to the Marshalsea *etc.* 2 pp. [C.O. 28, 44. No. 89.]

Oct. 24. 387. Joseph Barry to [? the Duke of Newcastle]. Son of a Charles Minister who lost his all under King James, petitioner has been Town in 25 years in Carolina and met with little encouragement from the South discontented inhabitants. *Prays for a benefice etc.* *Signed*, Carolina. Joseph Barry. *Endorsed*, Rd. Jan. 18, 172 $\frac{1}{2}$. 2 pp. *Enclosed*,

387. i. Certificate of appointment of Bartholomew Wormell, (father in law of Joseph Barry), as Chaplain extraordinary to K. Charles II *etc.* *Signed*, Manchester. Copy. $\frac{1}{2}$ p.

387. ii. Archbishop of Canterbury to Joseph Barry. Lambeth House, Oct. 4, 1724. Offers his good wishes but

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regrets that "it is out of my proper business to meddle in such matters" *etc.* *Refers him* to the Secretary of State for those parts *etc.* *Signed, W. Cant. Copy. 1 p.* [C.O. 5, 387. Nos. 48, 48 I, II.]

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So.
Carolina.

388. Governor Nicholson to the Council of Trade and Plantations. I hope in God your Lordships have recd. my letters, the last being of the 5th of Sept. *etc.* *Refers to enclosures* concerning paper bills. *Continues:* In No. (A) is the copy of a Minute of Council for a special Council on 9th Nov., at which time I design that the £10,300 remaining of the old bills be burnt and I shall take care that the remainder of the £48,000 bank money be burnt when they are paid in which I hope will be all done by the later end of Feb. next and by the Treasurer's account your Lordships may please to see that £7,280 are to be sunk the next month and I shall take care that they be then burnt. I was very much surprised to find that some merchants. (as they call themselves) had petitioned to his most sacred Majesty against me. I shall not now trouble your Lordships with any particular defence of myself because I hope (God willing) personally to do it, but I should fail in my duty to his most sacred Majesty if I did not inform your Lordps. that its my humble opinion that if all the bills should be destroyed at once it would put the country into the utmost confusion and that likewise the trade of this his Majesties Province cannot be carryed on without some paper credit but whether the sum will be 40, 50, or £60,000 is most humbly submitted to your Lordps. great wisdom. When the Council meets I shall lay this affair before them as likewise the copy of the merchants. petition with the Grand Jurors Address to his most sacred Majesty *etc.* and then I suppose H.M. Honble. Council will humbly represent that affair *etc.* *Refers to enclosures.* *Continues:* We have lately had a very uncommon accidt., concerning the murder of one Capt. Simmons (*v. encl. v.*); H.M. Attorney General will as soon as possible draw up a state of the tryal and then it shall be transmitted to your Lordps. I thank God we have now and for two months past had extraordinary fine weather which hath and will I hope enable the Planters to gett in all their crops. *Refers to enclosures etc.* P.S.—I humbly begg your Lordps. will be pleased to be referred to the Acts of Assembly to their Addresses to his most sacred Majesty and my letters to yr. Lordps. concerning the printed bills *etc.* I have been informed that some of those who signed the petition against the bills *etc.* have little or no legal trade to this Province. I have been likewise told that Mr. Samuel Wragg merchant. in London is more concerned in trade to this H.M. Province than all the petitioners and that his brother here with Messrs. Gibbon and Allen are by farr the greatest traders here. I am sorry for my old friend and acquaintance Mr.

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John Lloyd would be so bubbled (to give it no worse an epithet) by his factors here wch. I hope (God willing) to make appear. I am likewise sorry that my old acquaintance Mr. John Hyde who I think I remember master of a small pink (when I was Govr. of Virginia and Maryland) belonging to his master the late Saml. Groom, and I think I may venture to say that I was assisting to his interest in both those places and I beleive those two Gent. are not much younger than myself and if I am grown old I thank God it hath been in serving my Prince and Country ever since the year 167 $\frac{7}{8}$ but whither those two Gent. or any of the Petitr. have so done I much question but rather think that it hath been (especially by some of them) in heaping up riches and (it may be) they dont know who shall gether them, *etc.* *Signed*, Fr. Nicholson. *Endorsed*, Reed. 23rd Dec., 1724, Read 18th Nov., 1725. 3 pp. *Enclosed*,

388. i. Petition of the Grand Jury for S. Carolina to the King. *In reply to* petition of merchants complaining of the issue of bills of credit, *represent* that their issue was in no wise the occasion of the rise of the produce of the Province, but that when they were issued from time to time the Province were under an invincible necessity to pay forces suddenly raised on very emergent occasions and that when the greater part of them were issued, it was on account of the fatall Indian wars when there was no sufficient quantity of gold and silver, and there could be noe publick loanes, because the entire destruction of the country was at that time feared by everyone. As an example of what we have set forth, when a very large summe was sunck in 1718 rice advanced to the price of £4 pr. cwt. and pitch to the same price pr. barrell, and in 1719 and 1720 when £34,000 in bills were printed rice fell to 40s. per hundred and pitch to 40s. pr. barrell. The merchants can receive no damage by the paper money, for they have advanced on their sterling invoices from £700 to £1200 pr. cent. for these nine years past. But if your Majestye should be pleased to order that Proclamation money should be the only currency in this Province, they will gaine £200, or £300 pr. cent. sterling on their prime cost. Wee humbly conceive that the Lords Justices' orders have been duly complied with as near as necessity of this Province would permit. *Pray* H.M. to suspend consideration of the petition, till the Province can send proper vouchers to support their case. *Signed*, Daniel Huger, Foreman; Elisha Prioleau, Sam. Eveleigh, Wm. Wallace, Richd. Smith, Arthur Hall, John Croft, Peter Cattell, Antho. Bonneau, John Cawood, Thos. Elliott, Hen. Toomer, Jno. Raven,

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William Belinger, Francis Ladson, Peter Villepontoux, Will. Smith, Samuel West, Noah Serre. *Endorsed as preceding.* 1 large p.

388. ii. Report of the Commissioners for reprinting the bills of credit, £55,138 15s. 10½d., burnt; £10,300 exchanged and ready for burning. 28th Oct., 1724. *Signed*, T. Hepworth. *Same endorsement.*
388. iii. (a) Address of the Petit Jury of the Supreme Court to Governor Nicholson. 26th Oct., 1724. Join with the Grand Jurors in preceding Petition (No. i). *Signed*, Thomas Satur, Foreman; Joseph Brumson, Thos. Baker, Nathan White, Abrahm. Bunley, Gedion Fauchereau, John White, Thos. Ashby, Saml. Wigfall, Jos. Bryan, Jno. Hamelton. *Copy.* 1 p.
- iii. (b) Address of the Chief Justice and Assistant Judges of the Supreme Court to Governor Nicholson. Join in above Petition. *Signed*, T. Hepworth, Alexr. Parris, Geo. Smith, John Barksdale. *Copy.* 1 p.
- iii. (c) Address of the Grand Jury to Governor Nicholson. *Pray* H. E. to forward above petition etc. *Signed as No. i.* *Copy.* 1 p. *The whole endorsed as covering letter.*
388. iv. (a) Petition of Merchants and Traders to S. Carolina to the King. *Refer* to issues of paper money and Order in Council etc., 14th Aug., 1723 (v. C.S.P. and A.P.C. III. No. 48), contrary to which the Governor past an Act for sinking the bills by a duty only upon imported goods by wch. a burthen is laid upon the British manufacturer and is so uncertain in its nature that it will be many years before such debts possibly be satisfyed and the bills continuing current fall lower in value etc. In further contempt to said Order, £8000 of the old paper credit called Bank notes which by former Acts were to have been sunk in two years are now issued out againe promiscuously with the other bills to be paid off by the said duty etc. These proceedings tend to the ruin of petitioners and the destruction of the trade of the Province, which will be intirely lost if not speedily prevented by your Majesty's great wisdom and goodness, the Governour having in further discouragemt. of that trade detained ships in their passage to other parts and opened and searched in a vexatious manner every parcell of their goods notwithstanding they had permitts from the proper officers of your Majesty's Customs in that part from whence they came and destroyed those permitts in lieu of which he gave permitts of his own by which their ships and cargoes were liable to be forfeited. And also frequently broke open the

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letters of the inhabitants of that Colony by which trade is very much obstructed *etc.*, the masters of ships having in an unwarrantable manner been confined by his order and had illegal oaths imposed upon them, *etc.* *Pray for* the recall of Governor Nicholson, who by reason of his advanced age is rendered incapable of discharging his trust, *etc.* *Signed*, Stephen Godin, Jacob Satur, Saml. Buck, John Payne, Thos. Lane, John Yaldwin, John Hyde, David Godin, James Maintree, F. Morgan, John Lloyd, Isaac Prion.

iv. (b) Quotations from the *Whitehall Evening Post*, Aug. 13 and 15, relating to General Nicholson's return. *Same endorsement.* *Copy.* $3\frac{3}{4}$ pp.

388. v. (a) Report of the Chief Justice and Assistant Judge to Governor Nicholson. Michael Boineau, Peter, Daniel and John Dutartre, and Peter Rembert have been condemned to be hanged for the murder of Capt. Peter Simmons. *Signed*, T. Hepworth, Alexander Parris, John Barksdale.

v. (b) Warrant for execution of above. 7th Oct., 1724. *Signed*, Fra. Nicholson.

v. (c) Order reprieving John and Daniel Dutartre, upon their petition and the recommendation of the Chief Justice and Assistant Judges. 12th Oct., 1724. *Signed*, Fr. Nicholson. *Same endorsement.* *Copy.* 2 pp.

388. vi. Report by the Commissioners for cancelling paper bills, Oct. 27, 1724. Bills for £5707 7s. 2d. burnt *etc.* *Signed*, Char. Hart, Andrew Allen. *Same endorsement.* 1 p.

388. vii. Treasurer's account of £7380 paper bills to be burnt on 10th Nov. *etc.* *Signed*, A. Parris. *Same endorsement.* 1 p.

388. viii. Account of 734 negroes imported from Africa to S. Carolina, 1724. *Signed and endorsed as preceding.* 1 p.

388. ix. H. M. Customs' account, Charlestown, 1724. *Receipts*, £14 2s. 3d. *Expenditure*, £4. *Signed*, Thos. Gadsden, Collector. *Same endorsement.* 2 pp.

388. x. List of above enclosures. *Signed*, Fr. Nicholson. *Same endorsement.* $\frac{3}{4}$ p. [C.O. 5, 359. ff. 233-238v., 240-241v., 242v.-243v., 244v.-247v., 248v.-250v.; and (abstract of covering letter) 5, 406. pp. 20, 21].

Oct. 31. 389. Governor Nicholson to Mr. Popple. I lately reced. yor. letter of 24th of Aprill with the Memorial to Mr. Chammorel. What was done in that matter was done in the Assembly *etc.* *Refers to Journal.* *Continues* :—I have summoned H.M. Honble. Council to meet on 9th Nov., and then yor. letter and

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that affair shall be layd before them in order to send a more particular answer *etc.* *Signed*, Fr. Nicholson. *Endorsed*, Recd. 27th Jan., Read 18th Nov., 1725. *Addressed*. $\frac{1}{2}$ p. [C.O. 5, 359. ff. 251, 252v.]

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390. *Same* to Mr. Delafaye. *Refers* to letter of 8th Oct. to Messrs. Yonge and Eyres, and to Mr. Richd. Splatt, a merchant of this place, by whom this is sent, *etc.* *Concludes*: When please God I arrive in London I shall beg the favour of you to introduce me to his Grace the Duke of Newcastle *etc.* *Signed*, Fr. Nicholson. *Endorsed*, R. 27th July. *Addressed*. *Sealed*. $\frac{3}{4}$ p. [C.O. 5, 387. No. 49].

Nov. 6.

391. Wavell Smith to the Council of Trade and Plantations. *Replies* to Governor Hart's complaints that the office of Secretary of the Leeward Islands was let to Deputies at an exorbitant rent, and the Board's complaint that the Minutes of the Councils had not been regularly copied out. His brother acts as his deputy in Antigua since his departure. He merely continued the Deputy in Montserrat at the same rent £30 p.a. Has reason to believe the proceedings in Council are not fairly entered in the Minutes. As for instance, on the vote for the appointing a Committee to provide for the Governor's salary, the votes were equal, Mr. Hart voted himself and so carried it, but no notice is taken of this; it is merely stated that a Committee was appointed. His deputies at St. Christophers and Nevis are both very capable, and he refused a greater rent from persons whom he did not think equally qualified, *etc.* *Continues*: Upon my arrival I found several branches of my Office separated from it which did unquestionably belong to it by my Letters Patents, and found Mr. Hart was in no disposition to let me hold them otherwise than by Commission from himself *etc.*, but as I refused, at last an expedient was fallen upon to grant me Commissions for those branches with a salvo therein of the rights I had by Letters Patents. Accordingly those branches were restored and I concluded there would be no further misunderstanding betwixt the Governor and me. But when I communicated to him my resolution of coming to Great Britain to lay the matter before H.M., that I might get the door shut to any such claim by any Governor for the future *etc.*, I was startled by his sending up a paper from St. Christophers to Lt. General Mathews at Antigua containing some suggestions against me and ordering him to call a Council and require my answer thereto. He miscarried in his design of getting some resolution of the Council against me *etc.* *Refers* to enclosures. Has done all in his power to expedite the despatch of the Minutes to the Governor, and believes "the blame should fall somewhere else." Hopes for protection against Governor Hart's injustice *etc.* *Signed*, Wavll. Smith. *Endorsed*, Recd. Read 19th Nov., 1724. $6\frac{1}{2}$ pp. *Enclosed*,

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391. i. Peter Lee to Waverell Smith. Montserrat, 21st March, 172 $\frac{3}{4}$. Confirms above statement as to Governor Hart's casting vote for his own salary *etc.* *Signed*, Peter Lee. *Copy.* 1 $\frac{1}{4}$ pp.
391. ii. Minutes of Council of Antigua, 8th and 10th April, 1724. After examination of Mr. Smith (*v. supra*), the Board resolved that they had never observed him behave otherwise than with respect to H.E. and this Board, and with great impartiality in the execution of his office. *Signed*, Thomas Morris, Will. Byam, Natha. Crump, Jno. Frye, Archbd. Cochran, John Yeamans, *Copy.* 9 pp.
391. iii. (a) William Smith, Deputy Secretary of Antigua, to Mr. Dasent, Chief Judge of Nevis. Antigua, May, 1724. I heard by the Lt. General in the Council that you offered before H.E. to take an affidavit and bring three persons more that would swear when I was last at Nevis I endeavoured to get complaints against H.E., and that my brother would represent them to H.M. That charge is villainous and false *etc.*
- (b) John Dasent to Wm. Smith. Nevis, 20th May, 1724. The *above* report is entirely false *etc.*
- (c) Extract of letter from Governor Hart to Wavell Smith. St. Christopher's, 13th April, 1724. In reply to letters from Wavell Smith, 11th April, expressing surprise at H.E. exhibiting such unjust suggestions against him, answers, "I had reason to write to the Lt. General in the manner I did when Mr. Dasent assured me your brother had been fishing out complaints against me in order to your reporting them at home; but as you assure me you have no such intention I shall pass it over, tho' that gentleman assured me he could prove it by three affidavits." *The whole endorsed*, Recd. Read 19th Nov., 1724. *Copy.* 3 $\frac{1}{2}$ pp. [C.O. 152, 14. ff. 361-365v., 367-371, 372-373v.]

Nov. 7. **392.** Governor Burnet to the Council of Trade and Plantations. *Acknowledges* letter of 17th June. *Continues*:—I am very glad any accounts I have sent, have proved acceptable. And particularly that your Lordships approve my endeavours to assist the Government of Boston with the six Nations of Indians: tho I have not been able to effect anything material that way, except some messages from the six Nations to the Eastern Indians to perswade them to desist, which the Eastern Indians have answered evasively; and their answers have furnished an excuse to the six Nations for their declining to go to war with them. But the true cause of their backwardness is the interest the French and their friends among us, are secretly cultivating with the six Nations, and the fear they are in, that

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if the six Nations go to war, the road between Albany and Canada may prove dangerous, and so their trade quite interrupted, which now they carry on clandestinely even for Indian goods notwithstanding all our Acts against it. *Refers to enclosed Minutes of Conference. Continues:* From the same Minutes your Lordships will observe the progress that is made in carrying on the trade with the far Nations, to which end I have got leave of our Indians to build a trading house in the most convenient place for that trade, at the mouth of the Onnondages River, on the side of the Lake Cataraqui or Ontario. Tho' the Indians were tampered with to make objections to it, yet as I detected those practises, they went away fully resolved to do as I desired them. I am much obliged to your Lordships for your kind and generous protection against the groundless insinuations of the merchants, of which I have still a fresher instance in your Lordships report on their petition *etc.* I have laid them before the Council here to report their observations on them, as a part of the Legislature, and they have vindicated themselves as well as me in a manner that I doubt not will be fully satisfactory to your Lordships, and will expose the merchants as they deserve, which report I now enclose to your Lordships, with a map. A meer inspection of this map is indeed sufficient to confute them, for our Indians are there visibly adjoining close to us in a continued chain, no French of [*or?*] french Indians at all between us, but really we and our Indians are in the direct way between the Far Indians and the french, which is so surprizingly the reverse of all which they alledge, that I hope your Lordships will not think it amiss, that the Council and I have resolved to print the petition, the extract of their allegations, your Lordships' report, and the observations of the Committee of Council here, upon them, with the map, to make the whole as plain as possible. I thought printing these papers was the best way, to consider ourselves only as partys, and to make the publick here judges, since truth and reason are so evidently on our side, and against the petitioners, and this I apprehend will be of great use to prevent any attention to persons who have risked their own credit, and attacked our character in so indiscreet and indecent a manner. I had in August last ordered my Agent to present a Memorial to your Lordships in case there was such a petition of the merchants as was then reported here, but without certainty, and I then furnished him with several reasons for these Acts, which, in case they should not yet have been presented to your Lordships, I have enclosed, tho' the substance of them is contained in the Committees report. I am very much concerned at the last clause in your Lordships' letter, tho not conscous to myself of having ever fail'd in that particular, whereby it appears that the authentick Acts in due form with the Seal of the Province, and the usual certificates in parchment, did not come

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to your Lordships' hands. Thomas Fitch, Master of the *Samuel*, who carried them, is not yet returned, but I have enclosed the affidavit of the Deputy Secretary who prepared the Acts, with two of my domesticks who made up the packet, and saw them put in it; nor do I conceive how the printed Acts and my letter of 16th Dec., could reach your Lordships' hands, without the engrossed Acts, since they were all in one parcel, directed to Mr. Popple, and it being the last ship in the year, I beleive I neither did nor could send duplicates, as I generally do. I am hopefull that upon an enquiry it will be found, that these Acts have been mislaid by some of the clerks in Mr. Popple's office. But since they may perhaps not be found, I shall by the next ship transmit to your Lordships another set of them *etc.* I shall likewise with some of the ships this fall transmit the authentick Acts for the present year of the Assembly, which broke up in July last, with my observations thereon. *Encloses* to Mr. Popple, Naval Officers' accounts for N. York and East New Jersey. *Recommends* Philip Livingston for the Council of New York in the room of Gerardus Beckman lately deceased; "the gentleman I recommend is now Secretary for Indian Affairs, and a very deserving person." *Signed*, W. Burnet. *Endorsed*, Recd. 19th Dec., 1724, Read 15th April, 1725. 6 pp. *Enclosed*,

392. i. (a) Proceedings at the Conference of Governor Burnet and the Sachims of the Six Nations of Indians. Albany, 14th-20th Sept., 1724.

(b) Proceedings at the Conference of the Commissioners of the Massachusetts Bay and the Sachims of the Six Nations. *The whole endorsed as covering letter.* Printed, N. Y. Col. Docs., V., pp. 713-725. 24 pp.

392. ii. Report of Committee of Council of New York upon the Merchants' petition, referred to in covering letter. *Same endorsement.* 22 pp.

392. iii. Governor Burnet's reasons for passing several Acts prohibiting sale of goods proper for the Indians to the French. *Same endorsement.* 4 pp.

392. iv. Deposition of Isaac Robin as to the dispatch of Acts of 1723, referred to in covering letter. 7th Nov., 1724. *Signed*, Is. Robin. *Same endorsement.* $\frac{3}{4}$ p.

392. v., vi. Similar depositions by John Haskoll and Christian Kocherthal. *Same endorsement.* 2 pp. [C.O. 5, 1053. ff. 228-244v.; 245v.-256v., 257v.-260, 261-262v.]

Nov. 7. 393. Governor Burnet to Mr. Popple. Repeats part of New York, preceding covering letter. *Signed and endorsed as preceding covering letter.* Holograph. 1 p. [C.O. 5, 1053. ff. 263, 264v.]

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Nov. 11. **394.** Mr. Popple to the Duke of Bolton. I am to signify to your Grace that the Council of Trade and Plantations will take into consideration on Thursday the 19th inst. the Act for settling the N.E. part of Jamaica, that you may have an opportunity of laying your objections before the Board *etc.* [C.O. 138, 16. pp. 505, 506].

Nov. 11. **395.** Governor Burnet to the Council of Trade and New York. Plantations. *Encloses* duplicates of 7th Nov. and Acts of 1723 *etc.* *Concludes:* I hope your Lordships will move H.M., that the merchants may be obliged to declare their informers, which I hope your Lordships will think a reasonable request on behalf of the Legislature here, who are injured by their calumnies *etc.* *Printed*, N. Y. Col. Doc., V., p. 725. *Signed*, W. Burnet. *Endorsed*, Recd. 19th Dec., 1724, Read 16th April, 1725. 2 pp. *Enclosed*,

395. i. List of 12 Acts of New York passed 6th July, 1723. *Endorsed as preceding.* 1 $\frac{3}{4}$ pp.

395. ii. Memorial concerning the fur-trade of New York. By Cadwallader Colden, Surveyor General, 10th Nov., 1724. *Set out*, N. Y. Col. Doc., V., pp. 726-733. q.v. *Same endorsement.* 20 pp. [C.O. 5, 1053. ff. 273, 273v., 274v.-275v., 276v.-286v., 287v.]

Nov. 11. **396.** Governor Burnet to Mr. Popple. *Encloses* preceding New York. *etc.* *Signed and endorsed as preceding covering letter.* *Holograph.* 1 p. [C.O. 5, 1053. ff. 288, 289v.]

Nov. 14. **397.** Governor Nicholson to the Council of Trade and Charles Town, South Carolina. Plantations. *Refers to* letter and duplicates of 30th Oct. *Requests that* enclosed address may be presented to H.M. Mr. Izard would have signed it also, had he not been called away by urgent affairs *etc.* *Continues:* By enclosed accounts of the bills burnt, your Lordships may see that the sum of 3843 were of the new bills which with 7380 burnt this morning amounts to £11223 in new bills burnt and its supposed that by the latter end of February next there may be halfe as many more burnt of what the Treasurer shall receive for imports and exports as likewise the Bank Commissrs. who are to receive the remainder in new bills for by law no old bills will now pass there was likewise burnt (this morning) of the old bills £1830 15s. *etc.* The honble. William Gibbon and Charles Hart, Esqrs., being appointed to examine the said bills and several others have not been able to do any more as yet but will continue their examination. By these accounts your Lordships may see what care H.M. Honble. Council and myselfe have taken that the new and old bills may be burnt according to law. *Encloses* Council's Memorial concerning the Merchants' Address (v. 30th Oct.), *etc.* *Concludes:* I am in hopes when please God

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I arrive in Great Brittain I shall not only be able to clear myselfe but likewise to give your Lordps. a full and just account of my proceedings with a true and just charracter of some of the petitioners.

P.S.—I thank God our fine and seasonable weather continues and ships and other vessells arrives weekly which makes the planters bring down their rice and pitch. That the trade of this Province may continue and be not only for the advantage of the people here but also of the merchants of Great Brittain are the hearty wishes of, *Signed*, Fr. Nicholson. *Endorsed*, Recd. 19th Jan., Read 18th Nov., 1725. 2 pp. *Enclosed*,

397. i. Address of the Council of S. Carolina to Governor Nicholson, 14th Nov., 1724. Upon perusing a petition of some merchants trading to this H.M. Province and others no way concerned in the trade, we find many very gross and unjust reflections cast on your Excellency and your wise administration, *etc.* *Pray H.E.* to transmit enclosed Address “which we humbly hope will (with the Address of the Grand Inquest, who were upon their oaths *v.* 30th Oct.) shew how groundless those complaints and aspersions are, *etc.* *Signed*, Ar. Middleton, P., Benja. Schenckingh, R. A. Izard, Wm. Bull, Charles Hart, William Gibbon, Alexander Skene, James Kinloch. *Same endorsement.* 1 p.

397. ii. Address of the Council of S. Carolina to the King. 14th Nov., 1724. Having considered the petition of several merchants to your Majesty against the present currency we in the most humble manner crave leave to represent that without some certain currency amongst us it will be almost impossible for this your Majesties province to carry on the trade thereof. We hope it will be made appear that the merchants mistake when they set forth that they have suffered by the late paper credit they having advanced their goods accordingly for tis apparent that our trade for these three last years has much encreased which has kept up the prices of the produce of this Province rather than the present number of bills now extant *etc.* The paper credit now current is not more than sufficient for the trade of the Province *etc.* *Pray* that the determination of the matter may be suspended until the Assembly have an opportunity to answer the complaints of the petitioners. *Signed and endorsed as preceding.* 1 p.

397. iii. Report of Commissioners for cancelling paper bills. Money told (? and burnt) 13th Nov., 1724, £7380. *Signed*, William Gibbon, Charles Hart. Of the bills burnt Oct. 17th (*v.* 30th Oct.), £3843 were new and

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£1864 7s. 6d. old bills. *Signed*, Charles Hart, Andrew Allen. *Same endorsement.* 1 p. [C.O. 5, 359. ff. 253-255, 256v.-258v.; and (abstract of covering letter) 5, 406. p. 21].

Nov. 16.
Barbados.

398. Governor Worsley to the Council of Trade and Plantations. Friday the 30th past Jean Garraud, master of a French schooner, came to me, and made his complaint, that one Charnock (an inhabitant of this Island and owner of a sloop, in which he had cleared out from hence to go to fish at Tobago) had taken out of a crawl of the said Garraud at Tobago, one and twenty turtle, and some netts he had in a hut a shoar; that some days after, some of his crew went on board of Charnock's vessel at Tobago, and that the next day Charnock set sail with his sloop for this Island, and that he had followed him hither to demand satisfaction; the said Garraud further said, that he had leave from the Governmt. of Martinico to fish there. As I had heard that the French had made pretensions to that Island, to know the truth of it, as also if the Government of Martinico had given this master licence to fish there, I order'd him to go with an interpreter to the Attorney General and make an affidavit of what had happened; instead of which the said Garraud went to town to Capt. Cooper, Commander of H.M.S. the *Lynn*, who sent him in his boat on board of Charnock's sloop, from whence they took some netts and other things, and Capt. Cooper immediately after seized Charnock's sloop, sent some of his men on board of her, carried the negroes he found in the sloop on board the *Lynn* man of war, and when the master and owner of the said sloop would have gone on board their sloop, the officer and seamen belonging to the sd. man of war, kept them off by force of arms; Saturday night the 30th of October, both Charnock's sloop and the French schooner were driven on shoar by stress of weather. Tuesday the 3rd instant, the French master came with a petition to me, whereof I have inclosed a copy, by which your Lordships will see he owns he went to Tobago to turtle, whence by the 5th Article of the Treaty of Neutrality in America, his vessel with his lading is forfeited; however I told him he should make affidavits of the facts, with the same intention I had done before, to know for certain the French's pretensions to that Island *etc.* *Refers to enclosed depositions.* The depositions of Charnock *etc.* I ordered to be taken upon Charnock's applying to me for satisfaction from Captain Cooper for seizing his sloop, and for the loss of her, and Charnock here for damages, which I have not allowed of, in that I am at a loss how to direct him the method he is to take, if he has been injured; for tho' by a proviso in an Article of H.M. Patent to me, it is there said, that neither I nor any by my authority shall hold plea, or have any jurisdiction of any offence, cause, matter or thing com-

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mitted or done upon the high sea, or within any of the havens, rivers or creeks of H.M. respective islands or Plantations under my Governmt. *etc. quoted in extenso.* *Continues:* Yet as this proviso relates to the Article in my patent for the executing the Law Martial according to the Act *therein referred to, 13th Charles II*, I don't know whether it is intended it should extend to anything, but what is contained in the sd. Act, and there is a proviso in the 36th Article of that Act, touching the powers of the Lord High Admiral, which are not to extend to give unto him, or any acting under his authority any other power *etc.* than he had *etc.* before the making of this Act, other than for such of the offences specify'd in this Act. On the other hand it is but just and reasonable that H.M. subjects here should have satisfaction made them, if they have been injured, or have received any damage in as expedite and easy a manner as it is possible, especially the masters of merchants ships and fishermen, the livelihood of the latter depending entirely upon their boats and vessels; however in the present case as the exception in the proviso of the article of my patent, of any offence, cause, matter or thing, is so general, that it must comprehend everything that the persons excepted in the above proviso, can do within the Admiralty's jurisdiction: I shall not determine anyways in this affair, till I have the honour of H.M. commands upon this head, for as I have the greatest regard to the Admiralty's jurisdiction, so I have for the liberties and properties of H.M. subjects. I don't know if the Cpts. of H.M. ships of war have any jurisdiction to seize vessels at anchor in H.M. ports and under the cannon of the forts; but the present case is yet stronger, for 'tis occasion'd by a difference and dispute betwixt the subjects of Great Britain and France, which by the 17th Article of the aforesd. Treaty, is stipulated shall be judged and determin'd by the Governors of each jurisdiction respectively, where it shall have arisen, or by them they shall depute. But the method Capt. Cooper took, was, I think, in every respect irregular; he had no regard to the cognisance I had already taken, and upon the French men's complaint to him, sends them on board the sloop in his own boat, takes out of her, what they said was theirs, which he orders to be brought on shoar, and the negroes on board H.M. ship. Whilst I am asserting H.M. right to the Island of Tobago, he seems to support the French in their pretensions. If he suspected her to have been a pirate, which he cou'd not, from the deposition the French master made, he ought to have advis'd me of it, that I might have ordered her, and her effects to have been seized (for she laid close under one of the forts) as also the master and other white marriners, who were ashoar, and there was not one white man on board the sd. sloop, when Capt. Cooper took possession of her; nay if she had been a pirate taken at sea, he ought not to have taken anything out

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of her, but have deliver'd her up to the Civil power as he took her, till it shou'd be adjudged, whether she was a pirate or not, nor has he yet given me an account of his proceedings, nor have I seen him these six months, tho' he is appointed for the service of this Island; I have heard he has return'd the negroes to Charnock, but what is become of the netts, *etc.*, I know not; I suppose he will give the Lords of the Admiralty an account of them; in my humble opinion they ought to be confiscated, as I did design the French schooner (upon the confession of the French men) should have been, if she had not been wrecked, or otherwise I must have given up H.M. right to the Island of Tobago; therefore all the satisfaction I can give the master of the French schooner, is to let him know he ought not to have fished upon the coast of Tobago, in that the property of that island belongs to the King my Master, upon which I suppose the Governor of Martinico will assert his Master's right to it; for I hear, tho' that island be not yet settled, that he has appointed a Deputy-Governor there, and expects to have it confirmed in a little time from France. As to Charnock, I can't think he has been guilty of any act of piracy by taking the turtle, for not only because the French have no liberty of fishing on the coast of Tobago, but even if they had, the turtle belonged to anybody who had a right to fish, and should take possession of and secure them on board his vessel; for in what place the liberty of fishing is in common no particular person has a right to inclose any part of it for a repository for his own use; But who alone have a right to fish may hinder others from doing the like, and challenge the fish they find in their hands. As to the netts, they might be considered almost as a derelict, yet Charnock's slaves had no right to value them, nor the French to build a hut to deposite them in, *etc.* Your Lordships will see I have taken all the caution imaginable not to break in upon any jurisdiction the Admiralty may have; for as the world is too apt to censure the Governors in the West Indies for acting arbitrarily and illegally, even some times when they do but their duty, I have chosen rather to represent this, in order to have H.M. commands upon it. I have had the good fortune ever since my arrival in this Island to preserve peace and tranquility amongst H.M. subjects here, but as the turbulent and necessitous of which there are but too many in these parts of the world, live best in troubled waters, when they can't complain of want of Justice must have recourse to any confusion that may clogg the wheels of the Government; I shall endeavour not to give them any handle by my conduct within my jurisdiction; and I will engage to frustrate their designs if I could but know distinctly what was the true and real jurisdiction of the Admiralty either in relation to the Captains of H.M. ships of war, seizing of vessells at anchor in the port, or under the command of the guns of the forts;

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as also in relation to the conduct of the Captains of the men of war who are appointed to attend on the service of this Government. I have found in the Secretary's office here some letters from Captains of men of war who were upon this station in Mr. Lowther's Government (*enclosed*), and it is natural for anybody in the same station I am, to expect the like treatment, unless the Captains have instructions to the contrary, which I can't tell unless I see their instructions. As to the French your Lops. will observe they endeavour to make themselves masters of all the Windward Islands, Sta. Lucia must in a few years be settled by them; for as the late Earl Stanhope in a conference he had at Paris with the Regent of France, in relation to the grant the French King had given the Marshal D'Estrées of the said Island, and the pretensions of the Crown of Great Britain to it, did consent that in case the Marshal D'Estrées should recall those he had sent to settle that Island, the French families who had been established there before should remain till the limits of both Crowns should be settled. Now I am informed there are above 300 men capable of bearing arms; and as the names of those families are not specified, should they gradually send others there, who can disprove it? A frigate of 40 guns is lately arrived at Martinico from France for the service of that Island, under the notion of preventing the clandestine trade there; without it that Colony could not subsist, for H.M. Northern Colonies supply the French there with lumber, flower and horses; and from Ireland, and these islands they are supply'd with beef, and other provisions. The vessels that carry on that trade, clear out from hence either for Sta. Lucia, St. Eustatia, or St. Thomas's, but return with no clearances from those islands, in that they are free ports. For the same reason when a French gentleman who came hither lately from Martinico and proposed to me from the French Governor that we should write to our respective Masters in relation to the observance of the 18th Article of the abovesaid Treaty, that neutrality should continue in America, tho' any breach should happen between the Crowns in Europe; I told him I would not meddle in that affair. *Concludes* as postscript of following letter. *Signed*, Henry Worsley. *Endorsed*, Recd. 5th, Read 25th Jan., 1724⁺. 21 pp. *Enclosed*,

398. i. Petition of Jean Garraud, Master of the French schooner *Romaine* of Martinique, to Governor Worsley. *Described in covering letter. Signed*, Jean Garraud. *Endorsed*, Recd. 5th Jan., 1724⁺. 2³/₄ pp.

398. ii. Deposition of Jean Garraud, Barbados, 7th Nov., 1724. *v. covering letter. Signed and endorsed as preceding. French.* 3¹/₂ pp.

398. iii. Deposition of François Chevalier, Jean Pistolet and Jacques La Granade of the schooner *Romaine*.

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Corroborate preceding. Signed, Jean Fras. Chevalier, Jean Pistolet, Jacques La Granade, their marks. Dated and endorsed as preceding. French. 4½ pp.

398. iv. Deposition of Stephen Charnock, mariner and late owner of the sloop *George*, John Wransford, mariner and late Commander, Joseph Charnock, mariner, and Richard Jackman, merchant. *Described in covering letter. Signed as above. Dated and endorsed as preceding. 4¼ pp.*

398. v. Copies of letters from Capts. Charles Constable, Daniel Morris, and Francis Hume, R.N., to the Governor of Barbados, 1715–1718. v. C.S.P. under dates and Minutes of Council of Barbados. *Endorsed, Recd. 5th Jan. 172½. 3 pp. [C.O. 28, 18. ff. 110–120, 121v.–128, 130–133v.]*

Nov. 16. Barbados. **399.** Governor Worsley to the Duke of Newcastle. *Duplicate of preceding covering letter with P.S.—As I have received an additional Instruction not to pass any bill laying a duty on European commoditys imported in English vessels, and whereas, by the last bill of Excise, dutys are laid on Irish liquours, Rhenish, French, Portugal, and Greek wines etc. I have sent a copy of the said instruction to the present Assembly, in order for their passing, out of hand a bill to repeal those clauses in the Excise bill; and in a week's time I suppose it will be passed. Signed, Henry Worsley. Endorsed, Rd. 5th Jan., 172½. 13 pp. Enclosed,*

399. i–iii. Duplicates of enclosures Nos. ii–iv, preceding.

399. iv–viii. Duplicates of enclosures Nos. i–v preceding. [C.O. 28, 44. Nos. 90, 90 i–viii.]

Nov. 16. Whitehall. **400.** Duke of Newcastle to the Council of Trade and Plantations. *Encloses, for their enquiry and report, “a letter from Monsieur de Maurepas Secretary of State for the Marine affairs in France to the Count de Broglio, the Most Christian King's Ambassador here, directing him to apply for the King's Order to the Governor of the Leeward Islands, that he should redress a wrong done by one Molineux of Montserrat to one Garet of Guardeloupe in detaining 14 negroes who had run away from him” etc. Signed, Holles Newcastle. Endorsed, Recd. Read 20th Nov., 1724. 1 p. Enclosed,*

400. i. Copy of letter from M. de Maurepas to M. le Comte de Broglie, *referred to in preceding. Fontainebleau, 14th Oct., 1724. (N.S.) French. 2 pp.*

400. ii. M. de Feuquière and M. Blondel to M. le Comte de Maurepas. Martinique, 16th June, 1724. *Copy. French. 1 p.*

400. iii. Copies of papers relating to above claim. *French. 20¾ pp. Nos. i–iii endorsed as covering letter. [C.O. 152, 14. ff. 374, 375v–387v.]*

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- Nov. 17. **401.** Governor Philipps to the Council of Trade and Plantations. Encloses following papers from Canso. *Signed*, R. Philipps. *Endorsed*, Recd. 17th Nov., 1724, Read 8th Dec., 1725. 1 p. *Enclosed*,
401. i. List of fishing rooms laid out at Canso. 30th July, 1724. *Signed*, Alex. Cosby, Major. *Same endorsement*. 1 p.
401. ii. Memorial of the principal and greatest part of those concerned in the Fishery at Canso to Governor Philipps. *Express* appreciation of his wintering there and steps taken for their protection *etc.* From these encouragemts. we have made a great improvmt. in the Fishery, and have this year encouraged many to come down that were never here before *etc.* *Praise* Major Cosby whom H.E. left in command. *Believe* the Fishery would increase greatly every year "were it not to our great surprise and consternation, that Major Cosby shewed us a letter from Mr. Surveyor General Lechmore, desiring him to assist Mr. Thos. Wroe, whom he appointed Collector of Canso *etc.* One and all are determined to quit the place, and not to putt a fish on board any vessell, from, or for Europe. This resolution being laid before Majr. Cosby, he shewed us a letter written by your Excellency 19th March, 1721, at Canso, to Mr. Sirvr. General, giving your oppinion and wise reasons, yt. there ought not to be any interruption given to this new Settlement for some years *etc.* Mr. Wroe then thought proper to desist from taking the oaths *etc.* until he hears from Mr. Sirvr. General, which we humbly conceive (if determined by him) we shall breath only this summer. We have presumptive reasons, that the appointing a Collector at this time was concerted by a sett of people in a neighbouring Coloney, who had their private views, either to engross a channel of trade to themselves, or endeavour the entire extirpation of this Settlemt. *Fear* their fishing may be interrupted by the caprice of a Collector *etc.* "The majority of us have families in New England, and well settled, and intended to bring them to Canso and fix" *etc.* 21 signatures. *Endorsed*, Recd. 17th Nov., 1724, Read 8th Dec., 1725. 3 pp.
401. iii. A list of those (45) who had fishing rooms laid out for them, by order of Governor Philipps and Major Alexander Cosby. Canso, 30th July, 1724. *Signed*, Alex. Cosby. *Same endorsement*. 1 p.
401. iv. Certificate given by Major Cosby for fishing room laid out at Canso. *Copy*. 1 p.

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401. v. List of vessels (115) that arrived at Canso for the fishery, 1724. *Signed dated and endorsed as No. ii. 1 p.*

401. vi. Major Cosby's Orders for the regulation of Canso. Whereas last year many differences did arise *etc.*, and great complaints has been made, that men have run into idleness, by too many persons selling liquor, *etc.*; *Appoints* 15 of the most knowing men in this place to decide all controversial matters *etc.*, who are to appoint a Clerk and keep Minutes. Peter Boudre, a Member of Council, John Henshaw, J.P., Capt. John Calley, Hunking Wentworth, Thomas Wroe, Capt. Richard Piek, Capt. Hugh Read, Capt. William Arnold, Joshua Pierce, Capt. Peter Kenwood, Capt. Andrew Robinson, Capt. Michael Franklin, Capt. Thomas Mower, George Mobs, Elias Davis. These persons met on 1st July, 1724, appointed John Coit to be their Clerk and John Gumley, Constable. They drew up 17 Articles of Rule and Government, which all H.M. subjects in this place are required to observe. *Signed, A. Cosby.*

The 17 Articles: (i) That special respect be had to the Laws of Great Britain for the trying any cause *etc.* (ii) That drunkenness, slandering, quarrelling, Sabbath-breaking and the like abuses be heard and try'd before one single Justice of the Peace. (iii) That all debts not exceeding 40s. shall be determined before one Justice of Peace. (iv) That all matters of controversie, whether occasioned by a non-performance of contracts, trespassing or removing settled bounds *etc.* shall be decided by five at least of those appointed, one of which to be a Justice of the Peace. (v) That said persons shall meet weekly on Tuesday at 5 of the clock in the afternoon, five at a time alternatly, at the house of Mr. Parrot and Ginnings, and Capt. Wright and for default of non appearing shall suffer the penalty of 10s. unless good reason be shew'd to the contrary. (vi) That the complainers grievance shall be in writing with his name affix to it. (vii) That the plaintiff or complaint. shall be obliged to pay all damages and charges that may arise by his failing to prove his complaint *etc.* (viii) That no complaint or plea that may be made (criminal cases excepted) shall obligate the defendant to answer under 24 hours notice, and that he shall be notify'd by a man under oath. (ix) That no Commander or owner of vessells or shipping, or shoreman shall be oblig'd to pay any debts contracted by their men,

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without their leave and approbation. (x) That two taverns be allow'd in Canso (Fort-Hill excepted), the one at Capt. Thos. Wright's, and the other at William Austin's; and that no other person shall presume to keep an inn without licence of the Commander in Chief, on penalty of £5 for each offence. (xi) That the inn-holder take special care that every person in his house, repair home to their quarters at or before the hour of nine at night, on penalty of 10s. for the innholder; and 5s. for every person so offending. (xii) That the necessary charges of trying any action or cause, be first paid out of the fines and forfeitures *etc.* and the overplus to and for the support of the Governmt., and to be dispos'd of at the discretion of the Commander in Chief. (xiii) That any man neglecting his duty either as sailor, shoreman or fisherman, to the detriment of those he is concern'd with, shall be liable to pay the damages as shall be made to appear *etc.* (xiv) That no crew shall break up their voyage contrary to their contract, without the consent of the owner, shoreman, or the major part interested in the voyage. (xv) That owners and shoremen on penalty of damage sustain'd, shall be oblig'd to supply their vessells with all necessarys for the good of their voyages, if to be had in the place. (xvi) That there be seven or eight judicious men chosen and sworn to decide any difference that may arise between buyer and seller of fisher, concerning cullage, which men are to be chosen by sd. persons appointed to inspect such affairs, and the buyer and seller are to pay their equal share in culling or cullage to the culler. (xvii) That whereas power has been given to several persons by the Commander in Chief to regulate and keep a strict watch; it's ordered by the Authority aforesaid that the watch be sett at 9 of ye clock at night, at places appointed, and that every person shall repair to their own places of abode, on penalty of being apprehended and taken up by the Watch; or at least complain'd to some Justice of the Peace, who shall fine him according to discretion. And the Watch shall examine and know the persons they may see, after the hour 9. And if they will not answer or stand by first, second, or third calling, and give an accot. of themselves, they shall be accounted as enemies, and treated accordingly. All mercht. vessells are oblig'd to keep watch and pass the word. *Endorsed as covering letter. 2 large pp. gummed together. [C.O. 217, 4. ff. 288, 289v-295v.]*

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Nov. 17. **402.** Mr. Popple to Governor Worsley. *Refers* to letter of 20th Aug., and *acknowledges* letter of 30th July, my Lords having nothing in command for you at present." *Continues* : When the new Excise bill shall be sent over, I will take the first opportunity of laying the same before their Lordships. My Lords have already received answers to all the Queries lately sent to the several Governors of H.M. Islands in America, excepting Barbados ; which their Lordships daily expect from you ; that being the only thing wanting to enable them to make a full representation upon the state of H.M. Islands in America. [*C.O.* 29, 14. *p.* 406.]

[Nov. 17.] **403.** George St. Amant to [? Mr. Popple]. Requests that the hearing of the Jamaica Act be postponed, the Duke of Bolton being out of town (*v.* 11th Nov.) If not, will attend as his Grace's Counsel. *Signed*, George St. Amant. *Endorsed*, Recd. Read 17th Nov., 1724. 1 *p.* [*C.O.* 137, 15. *ff.* 201, 201*v.*]

Nov. 19. **404.** Mr. Popple to Mr. West. Encloses, for his opinion in point of law, Act of Jamaica, 1703, *for ascertaining H.M. quit rents etc.* [*C.O.* 138, 16. *p.* 506.]

Nov. 19. **405.** *Same* to *Same*. Encloses shipwrights' petition (Oct. 19), for his opinion "how the law stands at present with respect to this matter." [*C.O.* 5, 915. *p.* 426.]

Nov. 19. **406.** Duke of Newcastle to the Council of Trade and Plantations. Encloses following for their report. *Signed*, Holles Newcastle. *Endorsed*, Recd. Read 20th Nov., 1724. 1 *p.* *Enclosed*,

406. i. Petition of Jeremiah Browne to the King. In 1715 Major Ralph Willet obtained a grant of 100 acres in the former French part of St. Kitts, and built a sugar-works *etc.* His widow Mary obtained a grant thereof from the Governor, married Marmaduke Bachelor and sold said lands to petitioner for £500 in May last. In 1721 John Burnet petitioned your Majesty to be continued in possession of lands falsely represented by him to have been granted to him from the Chief Governor in 1713, 40 acres of the land purchased by petitioner being included therein. Upon H.M. letter of 22nd Sept., 1722, Burnet obtained a grant from the Governor accordingly. Upon hearing petitioner's case, the Council of the said Island gave their opinion to the Chief Governor that he should revoke that grant, which he has not done. *Prays* H.M. to continue him in said 40 acres. *Same endorsement.* 1½ *th pp.*

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406. ii. Petition of John Burnett to the Duke of Newcastle. Governor Douglass in 1713 granted to petitioner and Edward Warner about 80 acres in the former French part of St. Kitts. In 1715 Lt. General Matthew granted the same lands to Ralph Willett, who forcibly dispossessed them. On 31st Dec., 1718 H.M. signified to the Governor of the Leeward Islands that Warner should be restored. Petitioner not being expressly named, the Governor restored Warner only to 40 acres. Upon petitioner's application, H.M. ordered that he too should be restored, which was done after a full examination in Council of Mr. Bachelor's pretensions. Bachelor, being greatly indebted, was soon after forced to fly to St. Eustatia to avoid his creditors, but before he left, and after the Governor had granted the land to memorialist, he made a general sale of his effects to Jeremiah Browne, who under colour thereof claimed and maintained possession of the lands. Petitioner obtained a verdict at law for recovery of possession, but Browne petitioned the Governor to resume petitioner's grant upon pretence that he had obtained H.M. order upon the false suggestion that he had settled said lands at great expence. The words referred to applied generally to the several other plantations and persons to whom the order also applied. Petitioner had begun to make a settlement, but was hindered from going on therewith by Mr. Willett *etc.* withholding possession from him. *Prays to be restored etc. Copy. Same endorsement. 1 $\frac{3}{4}$ pp.*
406. iii. Grant of lands to John Burnet and Edward Warner *referred to in preceding.* 10th April, 1713. *Signed, Walter Douglas. Same endorsement. Copy. 1 p.*
406. iv. H.M. Order for continuing James Milliken, James Gordon and John Burnet in their grants *etc.* 22nd Dec., 1721. *Countersigned, Carteret. Same endorsement. Copy. 1 $\frac{3}{4}$ p.*
406. v. Deposition of John Willett, St. Xtophers. 6th July 1724. Deponent knew Samuel Calas, merchant of this Island, who died in the beginning of 1713. His widow told him her husband had settled and improved some lands in the French quarters, and that Mr. Burnet who had acted as private Secretary to General Douglas had promised to get him a grant of 60 acres, which had encouraged him to begin his settlement, but Mr. Burnet had afterwards taken the grant for 80 acres in the name of himself and Edward Warner, which grant included the lands so settled by her husband. She and her brothers were then in possession of and lived upon 30 or 40 acres, which

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are the lands now in dispute, till 1715, when Major Ralph Willett obtained a grant and dispossessed them *etc.* *Signed*, John Willett. 1 p.

406. vi. Deposition of Peter Soulegre. St. Xtophers. 6th July, 1724. Confirms preceding. *Signed*, Pre. Soulegre. 1 p.

406. vii. Deposition of Peter Brotherson. St. Xtophers. 6th July, 1724. Confirms No. v. *Signed*, P. Brotherson. $\frac{1}{2}$ p.

406. viii. Deposition of Phineas Pinkethman. St. Xtophers, 6th July, 1724. Tenant of the lands in dispute confirms No. v. *etc.* $\frac{3}{4}$ p.

406. ix. Petition of Jeremiah Browne to the Governor in Council. St. Christophers, 19th June, 1724. All the suggestions upon which John Burnet obtained the Order from the Secretary of State were false. He was never in possession of the lands or at one penny expence in the settlement thereof. *Prays* that his grant may be superseded by one to himself. *Signed*, Jeremiah Browne. *Copy*. 2 pp.

406. x. Minutes of Council of St. Christophers, 6th July 1724. Upon hearing *preceding petition*, the Board advised H. E. to revoke Mr. Burnet's grant, and referred to his judgment the passing of a grant to Mr. Browne of the lands in question. H. E. declared that he would await H.M. pleasure therein, on this new information. *Copy*. 1 p.

406. xi. Deed of Sale for £500 of the grant of 100 acres made to Mary Willett (Bachelor) to Jeremiah Browne. 9th May, 1724, and receipts *etc.* for the £500 pd. by him on that account. *Signed*, Marmaduke Bachelor, Mary Bachelor. *Copy*. 2 pp. Nos. v-xi *endorsed as covering letter*.

406. xii. Mr. Secretary Craggs to the Governor of the Leeward Islands. Duplicate of C. S. P. 31st Dec., 1718. *Same endorsement*. 1 p. [C.O. 152, 14. ff. 388, 389v.-391v., 392v., 393v., 394., 395v.-396v., 397v., 398, 399, 400, 401, 402, 403-404, 405, 406v.-407v.]

Nov. 20. 407. Lt. Governor Hope to the Council of Trade and
Bermuda. Plantations. *Encloses* trial of sloop *Salamander* (v. 22 Aug.)
Continues : I must intreat your Lordps. that this tryal may be
perused by those who are vested with the power of giving of
instructions to the Judges of the Admiralty Court here for the
better regulation of their proceedings *etc.*, else it will be
altogether in vain for a Custom Officer to pretend to put his
instructions in execution here. I believe it is not expected that
I shou'd lay before your Lordps. the point of law in such a case
as this is : but I find it my duty to acquaint you that I have

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perused all the proceedings of the Court of Admiralty here, and I do not find that ever any criminal was allow'd any of that liberty which has been granted to this deffendant whereby the common course of Justice has been retarded and the prosecutor oblidge to ane exorbitant expence. I do not find that the Governour has power by his Instructions to apply a remedy in such cases; nor has the Judges either law or experience sufficient to support them in a tryal where any one of the partys have a mind to be troublesome as this deffendant is upon all occasions. I shall trouble your Lordps. with none of the particulars save one and that is with relation to the appeal. The Governour's Commission as Vice Admiral does direct that in all causes tryed in any of the Courts of Admiralty here the party who is cast is to be allowed ane appeal to the High Court of Admiralty in England, and here is an Act of Assembly confirm'd at home directing all appeals to be made to the King in Council; which very Act I am order'd to have a particular regard to by my instructions in the cases of fines and penalties impos'd here for misdemeanours which with humble submission I do imagine does not comprehend the tryal in question. But so it is that the Judges have granted ane appeal with distintion to whom: or in what manner. I found it wou'd have been to no purpose for me to have interpos'd my authority by directing the appeal into its proper channel. For the appellant did protest against the jurisdiction of the Court (as I may call it) before the commencement of the tryal: so that I have chose not to meddle in it, because, tho' I had; it cou'd not have hinder'd this turbulent creature's complaint to H.M. in Council with which he has (from the beginning) threatn'd the Judges, the Justices of the Peace; and the Collector *etc.* *Refers to enclosures.* Signed, John Hope. Endorsed, Recd. 15th Jan., 172 $\frac{4}{5}$, Read 30th June, 1726. 3 $\frac{1}{4}$ pp. Enclosed,

407. i. Duplicates of Nos. 408 i.-iv. *The whole endorsed,* Recd. 15th Jan., 172 $\frac{4}{5}$, 114 $\frac{1}{2}$ pp. [C.O. 37, 11. ff. 155-210, 211-214, 217, 217v., 218v.; and (abstract of covering letter) 37, 24. pp. 24, 25.]

Nov. 20. **408.** Lt. Governor Hope to the Duke of Newcastle.
Bermuda. *Duplicate of preceding covering letter. Signed, John Hope.*
Endorsed, Rd. Feb. 10, 172 $\frac{4}{5}$. 3 pp. Enclosed,

408. i. Proceedings of Court of Admiralty, Bermuda, 9th Sept.—28th Oct. 1724. The ship *Salamander*, (v. Aug. 22) upon a libel exhibited by John Aytoune, Collector of H.M. Customs, was condemned for illegal trade together with the goods seized in her without cocquets *etc.* Dependant was granted an appeal. 92 pp.

408. ii. (a) Commissioners appointed to appraise said ship and the condemned goods. 28th Oct. 1724. Signed, Wm. Outerbridge. Henry Tucker. 1 p.

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(b) Appraisement by said Commissioners. *Total* : £964 0s. 11½*d.* *Signed*, Robt. Dinwiddie, John Bennett, Leonard White, James Burchall, Patrick Macknight, Henry Corbusier. 6th Nov. 1724. *Copy*. 1 *p.*

408. iii. Reply by John Aytoune to Capt. Bell, which the Judges refused to record upon Mr. Jones' objecting to it. *Copy*. 8 *pp.*

408. iv. Joint affidavit by John Carter, Naval Officer, and Richd. Tucker, Register, upon above order of the Court. *Copy*. 1½ *pp.* [*C.O.* 37, 28. *Nos.* 23, 23 i.-iv.]

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New York.

409. Governor Burnet to the Council of Trade and Plantations. Encloses Acts of Assembly past in July last. (i) The first is an Act *for levying* £6,630, *for the supplying the deficiencies of H.M. Revenue etc., and for making of bills of credit for that value.* This Act sets forth in the preamble, the several uses, and in the body of the bill the sums provided for those uses (*enumerated*). *Continues* : The reasons for striking bills, are next expressed (*enumerated*). The means of assessing these levys on the real and personal estates of the inhabitants, has nothing in it different from former Acts, and the nature of the circulation of these bills, and the provision for sinking them, do not at all deviate from the Acts formerly past for the same purposes *etc.* But this being an Act for making paper-money, tho' within my additional Instruction which allows of such Acts, when they are for raising or levying, I think myself obliged to offer to your Lordships reasons, that are in my poor opinion sufficient to justify it and other Acts of this nature, with the same precaution. I am very sensible of the disadvantage I lye under in writing upon this argument and the misfortune it is to any cause, to have already appeared in an odious light, as I am but too well convinced, is the case of paper money Acts in the Plantations, by your Lordships' last words (17th June), *that bills for encreasing of paper credit, will meet with no encouragement.* I hope your Lordships will not think it presumption in me, even after this declaration to endeavour to give you a more favourable opinion of such Acts, and if I go too far in this, it is owing to the encouragement your Lordships have given me by receiving what I have offered on all occasions, in so kind a manner, and admitting the best constructions that my weak reasoning will bear. I have already (12th May) used several arguments to justify the paper Act in New Jersey, and therein I observed how well the bills of New York keep up their credit, and the reasons why they have not fall'n in value as those of Carolina and New England, and that under a good regulation, these Acts are both of service to the trade of the Plantations, and of Great

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Britain *etc.* Refers them to letter of 12th May. But there are many things there only hinted at, which I shall now lay before your Lordships, and in which I shall chiefly argue from what is to be gathered by experience in Great Britain it self, from observing the nature of credit and the events it has undergone, and in this I hope I may be the more patiently heard, because what experience I have, was purchased at no very cheap rate. Credit ought to be supported, if it is possible, both by *reason* and *common opinion*. *Reason* tho' ever so strong will not always do alone in the beginning, if *common opinion* is against it, but it will carry all before it at the long run : *Common opinion* or humour will generally do for a time without *reason* nay against it. But then it is often attended with vast mischief and danger. Of this we have a fatal instance in the famous South Sea Scheme, which being left to *Common opinion* without any restraint, has produced the most terrible effects possible. If there had been a positive law, making all bargains for South Sea Stock, above some fix'd price as 150 void, and making it a legal tender at 100, all these mischiefs would have been avoided : But this would have been called *compulsive paper credit* : yet because in *reason* it is worth so much, as long as the Nation stands, and because the Parliament has always kept their engagements, all clamours against this would soon have blown over, and no enemies would have been found to it but brokers. To make this appear, it is enough to prove, that at the bottom, all the present voluntary credit stands upon this very foundation at last, and no other. It is very certain, that there is no proportion between the specie and the great quantity of Bank bills and Bankers notes commonly current, who lend their notes on the several branches of Government securitys, and seldom at a rate under *par*, very often above *par*. When the Government is safe, this will do, when there is any danger, common opinion pulls down her own work, and bankers break in abundance, and the Bank itself is put to extremitys. An instance of this I remember at the time of the Preston affair : the Bank would have broke in a few days, if the Victory there had not happened as soon as it did. And the reason was plainly this, because when they had paid away all their specie they had nothing left but Exchequer notes, and such other securitys, to exchange for their remaining Bank notes, and these would have been at such a discount that they must have broke, and compounded for such payment at the best. Thus it is plain that the foundation in *reason* of the credit of the Bank itself, not to speak of private goldsmiths, is the Government security remaining at *par*, and yet the Parliament is so good as to provide an interest on these Exchequer bills, and to pay the Bank so much more per cent for circulation, whereas in fact when foul weather comes, the Bank is a staff of reed, and

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must lean on the Government to prop itself up, and so encrease the load instead of easing it. And thus *humour* keeps up the imaginary value, when there is no real occasion for it; all Government securitys being at the same time commonly at *par*. But upon any very ill news the like humour beats down all voluntary credit, in the same manner as it does Exchequer bills etc.: and really carries the general discredit as much farther than it ought, as it had advanced credit beyond its reasonable bounds before, and if once the Bank had broke, then all this would have appeared to a demonstration. But the Bank is yet a Virgin, and the Exchequer was once shut up in King Charles's reign, tho' I think she has since fully made up for the sins of her youth, by punctual payment for thirty or forty years past. If then instead of these secondary instruments of circulation, the Parliament should think fit to make all Parliamentary paper credit a tender at *par*, and that it be received in all taxes as well as paid, which is doing with private persons, as the Publick is done by, I cannot see that it would be any injustice nor more liable to danger, than the present methods of circulation are. It may be objected, that this is a French way of proceeding, to declare the value of money by edict. But it is easy to answer that the Laws of a free Government, are not at all like the Edicts of an arbitrary one, and that it is as unsafe in France to trust the Bankers, as the Government, for when the Government refuses to pay them, they must break, and so it would be in England: The first breach of engagements in the Legislature to the creditors of the publick would break all the Bankers at once: and therefore what the Government does by their hands, and in which it is in effect their support, it is capable of doing for itself, and if founded on reason, tho' against the present humour, it will prevail in the end. I have already endeavoured to show the danger of common opinion, in money matters, when no ways restrained by Law, by the instance of the South Sea. I may add, that it is the same thing with Liberty in general, if mobs are entirely left to their *common opinion* or humour, it is well known how fatal they may be to the publick safety: and if the liberty of the poor, which is now grown to such a pitch of licentiousness, as to be the greatest tax and grievance to the Nation, were regulated by as severe and as practicable Laws as in Holland, it would be of great use to the Publick. From all which I beg leave, to conclude, that it is not the names things get for the present, but the real nature of them, that will be found to hold against all events, and that in the instance of paper money, where it is regulated by just laws, and where the publick has not acted contrary to them, their credit is in reason better established than the credit of any private persons or Society, and that the method used to catch the common opinion of mankind, by offering them their money when they please, is

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nothing but a fashionable bubble, which people are every day sufferers by, when a Banker breaks, and that even the best founded Society's cannot maintain their credit when there is the greatest need of them : But that all credit finally centers in the security of the Government. I take the liberty further to observe to your Lordships, on how many occasions the Government of Great Britain has found it impracticable to raise all the money wanted within the year, from whence all the present debts of the Nation have arisen : The same necessity lyes often upon the Plantations, where frequently a sum of ready money is wanted, which it would be an intolerable tax to raise at once, and therefore they are forced to imitate the Parliament at home, in anticipating upon remote funds. And as there is no Bank, nor East India Company, nor even private subscribers capable of lending the Province the money they want, at lease without demanding the extravagant interest of 8 pr. cent., which is the common interest here, but would ruin the publick to pay. Since this is a case, there is no other possible way left to make distant funds provide ready money, when it is necessarily wanted, but making paper bills, to be sunk by such funds. Without this Carolina would have been ruined by their Indian war, Boston could not now support theirs, nor could any of the Provinces have furnished such considerable sums to the Expeditions against Canada. Nor could at present any of the necessary repairs of this fort be provided for, nor the arrears of the Revenue discharged, which is done by this Act, in a tax to be levied in 4 years, nor indeed any publick service readily and sufficiently effected. And I may add one thing more, that this manner of compulsive credit does in fact keep up it's value here, and that it occasion's much more trade and business than would be without it : and that more specie is exported to England, by reason of these paper bills than could be, if there was no circulation but of specie, for which reason all the merchants here seem now well satisfied with it. I hope your Lordships will excuse my being so long and earnest upon this head, because it is a subject of the greatest importance to all the Plantations, and what I humbly conceive has been often misrepresented by the merchants in London.

(ii) The next Act is for making bills of credit, and putting the same in the Treasurer's hands, for exchanging therewith such bills of credit of this Province, as are torn and defaced. The constant use of these bills in the market, and among common people, had destroyed so many of them, that it was necessary in common justice to find a way to exchange them, when they were no longer fit to pass : which is entrusted with the Treasurer, because he gives £5,000 security, for the due discharge of this Office. (iii) An Act for regulating the Militia etc. The former Act was expired, and is now revived with some amendments. (iv) An Act for fortifying the City of Albany. This was

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attempted before, but the method in the former Act was found defective, which is endeavoured to be remedied in this. (v) An Act for continuing the Acts made for prohibiting the selling of Indian goods to the French, with some alterations. *Refers to former letters on the subject.* *Continues:* Some small defects are here corrected, and the Acts only continued till Novr. 1725. (vi) An Act to prevent tenants to waste etc. This was found to be very necessary, to preserve the interest of Proprietors, which had been extremely damaged by the licentiousness of tenants. The remaining Acts are of small consequence, and I have nothing further to remark on them, but barely to enumerate them. (vii) An Act for laying out publick highways at Schohare, in Albany County etc. (viii) for laying out highways in Suffolk County. (ix) to oblige the Collector etc. of Richmond County to collect the annual rate, etc. (x) to enable the Mayor etc. at Albany to defray the publick charges of that City. (xi) to enable the Justices of Queen's County to finish the goal and courthouse etc. (xii) to prevent damage by swine etc. (xiii) to prevent boats from being molested; (xiv) for paying Gerrit van Horn, David Provoost, Johannes Jansen and Jacobus Kip for serving in General Assembly (xv) for naturalising Francis Vanderberg etc. (xvi) to prohibit all persons but Susanna Parmiter, widdow, and her assigns, to make lampblack, during the space of ten years. *Refers to enclosures sent to Mr. Popple (v. 24th Nov.)* *Continues:* I have just received the observations of the Commissioners for Indian affairs at Albany, who consist of the principal men there, and which I hope will be satisfactory to your Lordships, and is agreeable to the report of the Committee of the Council. What they say of the French having lain as a wall at Iagara, between us and the far Indians, when they had goods plenty, is meant only their having had a great storehouse of goods, for they never had a fort there, or above 7, or 8, persons to reside there. But now that they have not goods so cheap, they have seldom had anybody there, and very few goods for these two years past, which is owing to the Act. As to what the Commissioners mention of forces to be sent into the farther country of Indians, I apprehend could not be done without an open breach with the French, and since the trade encreases without any such shew of force, I think it is better to let it take its course by gentle means, which I believe will be sufficient as they have proved already. I herewith send also an account from the Custom house, by which it appears that the quantitys of furs and skins, differ very little for the last four years, from the four years before the Act. But the merchants packing beaver, and other furs and skins, altogether, is the occasion that they cannot distinguish the beaver by itself; but it is universally beleived, that this last year there is more beaver sent than ever, which may be known from

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the Customhouse in London. I have an account from Schenectady 16 miles above Albany, that by the nearest computation there were from 1716 to 1720 but 30 canoes of far Indians that came hither, and from 1720 to 1724 there are come 323, which is above ten times the number. Thomas Fitch Captain of the Ship *Samuel etc.*, is lately arrived, and has made affidavit *enclosed* of the delivery of the packet (v. 7th Nov.), to the Postmaster of Deal *etc.* *Signed*, W. Burnet. *Endorsed*, Recd. 12th Jan., Read 16th April, 1725. 18 pp. [C.O. 5, 1053. ff. 290-298v., 300v.]

Nov. 21.
New York.

410. Governor Burnet to the Duke of Newcastle. I now lay before your Grace the propositions I made to the six Nations of Indians at Albany in September last and their answers, with those of the Deputys from Boston, and the Indians answers to them. Their business with the six Nations was, to engage them to join against the Eastern Indians, who are now in a bloody war with that Colony, chiefly at the instigation and encouragement of the French of Canada. But tho' I assisted the Government of Boston as much as I could in this negotiation, and tho' the Indians had made promises to that effect; they now totally refused it, and would neither engage themselves nor suffer their young men to list as soldiers to that Colony which was the alternative proposed to them: But they made several frivolous excuses *etc.* The chief thing I had to obtain of the six Nations in behalf of this Colony, was, the liberty of building a trading house in their country, on the side of the great Lake called Cataraqui, or Ontario, where we now carry on a great beaver trade with the far Indians, and which is likely to bring that trade wholly out of the French hands into our own, in a few years, if it goes on in proportion to it's beginnings. *Refers to enclosures.* The facts asserted by the Merchants before H.M., and the Lords of Trade, will appear so groundless, upon inspecting the map, and the report of the Committee of Council here, that I could not have wished for a more favourable occasion of exposing a set of men, who value themselves on being able to upset any proceedings of the Assemblies in the Plantations, that are not according to their humours; for reason and matter of fact are what they are great strangers to. I have likewise added some written reasons for such acts as encourage this trade, and prevent that to Canada. There is another subject on which these merchants have had the good fortune to be credited on many occasions, which is about paper money, and which I humbly apprehend they have likewise misrepresented: as I have endeavoured to make appear in *preceding* letter *etc.* *Refers to enclosures.* *Continues:* I hope your Grace will approve this method of giving you a short view of the concerns of this Government, and of referring to my letters to the Lords Commissioners of Trade, for the

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more minute detail of particulars, if your more important affairs should afford leisure to look into them. This is a method I found had been always used by Brigadier Hunter, my predecessor, and what your Grace's predecessors have not disapproved, and therefore I hope it will be agreeable to your Grace. *Recommends* Mr. Livingston for Council *as in preceding*. *Continues*: There is Mr. Ingolsby, an Officer belonging to the forces here, who is both a Lieutenant in my company, and Adjutant to all the four companys here, and has now been almost three years in that post, without ever coming hither, or promising me when he designs to come. He has from time to time obtained H.M. furlough to stay, which I humbly desire your Grace would stop for the future, and give him positive orders to repair to his post, at New York *etc.* *Signed*, W. Burnet. *Endorsed*, Rd. Jan. 12th. 5 pp. *Enclosed*,

410. i. Duplicate of No. 392 iii.

410. ii. Duplicate of No. 392.

410. iii. Duplicate of No. 395.

410. iv. Duplicate of No. 409.

410. v. Papers relating to the Act *for the encouragement of the Indian trade*, with a Map. Includes Merchants' petition, reference, minutes and representation of the Council of Trade thereon, report of the Committee of Council, New York, in answer to it, and Colden's memorial on the fur trade (*v. supra*). *Printed and sold* by William Bradford in the City of New York, 1724. *Tail-piece*. 24 pp.

410. vi. Propositions made by the Commissioners of the Massachusetts Bay to the Six Nations at Albany, Sept. 16, 1724. 2½ pp.

410. vii. Answer of the Six Nations, Sept. 18. 2¼ pp.

410. viii. Conference of Governor Burnet with the Six Nations, Albany, 14th–20th Sept. 18½ pp.

410. ix. Propositions made by Governor Burnet to the Schaahkook Indians. Albany, 19th Sept., 1724. 4 pp. [C.O. 5, 1092. Nos. 33, 33 i–ix; and (*duplicates of covering letter and enclosure v. without map*) 5, 1085. Nos. 48, 48 i.]

Nov. 23. 411. Mr. Popple to Governor Hart. *Encloses* papers
Whitehall. relating to the complaint of Mr. Garret of Guadeloupe (*v.* 16th Nov.) *etc.* *Continues*: You are to enquire into the truth of this affair and send an exact account thereof as soon as possibly you can. It will be necessary upon this occasion to send also an account of the negroes, and to whom belonging, that have deserted to the French, and what has been done towards reclaiming them with the proceedings thereon. [C.O. 153, 14. p. 175.]

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Nov. 24. **412.** Governor Burnet to [? Mr. Delafaye]. *Encloses* packet for the Duke of Newcastle, having been informed by the newspapers that he is now in his district, and asks him to remind the Duke to order Lt. Ingoldsby to his post (v. 21st Nov.) *Continues*: In which case I shall be able to give young Mr. Riggs leave to go home, but else I shall have but one Lieutenant to my own company of 100 men *etc.* I had reason not to be well pleased with Mrs. Riggs informing me that she would get leave and had writ for it, without my knowledge *etc.* I let her know that I was already troubled at the Pay Office about my rolls, which had been refused because not signed by two lieutenants, and that I would not run that risk again, for the muster-rolls were of great consequence to me, and to my credit, in London. I found I had very much displeased her, and that she even would not own that she ever was obliged to me at all, which I thought very extraordinary, when it was purely to oblige them at your desire, that I brought that company down from Albany *etc.* *Asks him* "to assist me in obtaining what she wants in a manner that may be convenient and fit for me to consent to" *etc.* *Encloses acts and votes of last Assembly etc.* *Signed*, W. Burnet. *Endorsed*, R. Janry. *Holograph.* 3 pp. [C.O. 5, 1092. No. 34.]

Nov. 24.

New York.

413. Governor Burnet to Mr. Popple. *Encloses* Acts of New York for 1724 and Minutes of Council, 18th July, 1723—1st Oct., 1724; and Minutes of Council, New Jersey, 14th Nov. 1722 to 24th Oct., 1724, "and the printed Acts and votes of Assembly. I send besides ten copys of printed papers, relating to the merchants' petition, of which I desire you to present one from me, to each of the Lords of Trade, and to take one for yourself, and to keep the rest in the Office, in case they may be at any time called for" *etc.* *Signed*, W. Burnet. *Endorsed*, Recd. 12th Jan., Read 16th April, 1725. 1 p. *Enclosed*,

413. i. Report of Commissioners of Indian Affairs at Albany on the Merchants' petition and the Indian trade *etc.* Albany, 12th Nov., 1724. *Set out*, N.Y. Col. Docs. V. pp. 740–742 q.v. *Endorsed as preceding.* *Copy.* 5 pp.

413. ii. List of Acts of New York passed 24th July, 1724. (v. Nov. 21). *Same endorsement.* 2½ pp.

413. iii. Affidavit by Capt. Fitch. v. 21st Nov. *Signed*, Tho. Fitch. *Same endorsement.* ¾ p. [C.O. 5, 1053. ff. 304, 305v.–308, 309v.–312, 313v.]

Nov. 24.

Whitehall.

414. Mr. Popple to Mr. West. My Lords Commissioners desire your opinion as soon as may be, whether a Governor can vote as a Councillor in the passing of bills, when the Council sits in their Legislative capacity? [C.O. 153, 14. p. 176.]

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- Nov. 25. **415.** Lt. Governor Sir W. Keith to the Council of Trade and Philadelphia. Plantations. In obedience to H.M. Instructions, 1st June, 1722, [*i.e. for the strict observance of the Acts of Trade and Navigation, Ed.*], encloses copies of his proceedings relating to the ship *Fame*, William Lea master, now under condemnation in this port *etc.* (v. C.S.P. Dec. 26, 1727). *Continues*: I likewise find myself, by H.M. Royal commands under the necessity of representing that John Moore Esq., Collector of the Customs for this port, has not only been remiss and negligent in his duty, with respect to the *Fame*, but he has from the very beginning of the affair, acted a most deceitfull and collusive part; in so much that for want of a Court of Admiralty and such other powers as is usual in other H.M. Governments I found much difficulty to overcome the said John Moore's clandestine and unjustifiable practices, whereby it would seem as if he intended the *Fame* should have escaped a legal condemnation in order to cast the blame upon me and maliciously to asperse my character, without any manner of provocation or just grounds, as by the contents of the enclosed papers, will I am confident appear to your Lordships at the first view. When this seizure comes to be sold and disposed of in course according to the law, I shall take particular care that the King's third part be safely remitted into the hands of the proper officers for the receipt of H.M. Exchequer *etc.* *Asks for their Lordships' protection in his justly pursuing H.M. interest and service.* *Signed, W. Keith.* *Endorsed, Reed. 1st, Read 2nd Feb., 1724.* *1½ pp. Enclosed,*
415. i. Proceedings of the Court of Common Pleas, Philadelphia, 19th Nov., 1724. Information being laid by Patrick Baird, of Philadelphia, Gent., against William Lea, of Philadelphia, master of the *Fame*, for importing quantities French and East India goods (*enumerated*) contrary to the Acts of Trade *etc.*, Lea, after first pleading not guilty, is obliged to confess that he cannot gainsay the said information. The *Fame* with her cargo is thereupon condemned, and writ issued to the Sheriff for the sale thereof. *Same endorsement. Copy. 2 pp.*
415. ii. Minutes of Council of Pennsylvania, Philadelphia, Nov. 12, 1724. *Describes* proceedings and correspondence between Governor Keith and Mr. Moore relating to the seizure of the ship *Fame*, Oct. 31st *ff.* With notes upon the same by Governor Keith, showing how Mr. Moore endeavoured to frustrate the prosecution. *Same endorsement. 16 pp. [C.O. 5, 1266. ff. 162-163v., 164v., 165v.-168, 169-174, 175v.]*
- Nov. 25. **416.** Lt. Gov. Sir W. Keith to the Duke of Newcastle. Philadelphia. *Refers to above complaint against Mr. Moore and asks for his Grace's protection etc.* *Signed, W. Keith. Endorsed, Rd. Feb. 1st. 1 p. [C.O. 5, 1234. No. 4.]*

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Nov. 25. **417.** Lt. Governor Hope to the Council of Trade and
 Bermuda. Plantations. Duplicate, *mutatis mutandis*, of following letter.
Signed, John Hope. *Endorsed*, Recd. 2nd Aug., 1725, Read
 22nd Nov., 1726. $9\frac{3}{4}$ pp. *Enclosed*,

417. i. Duplicate of 418 i. 12 pp. [*C.O.* 37, 11. ff. 248–252v.,
 254–259v., 260v.]

Nov. 25.

Bermuda.

418. Lt. Governor Hope to the Duke of Newcastle.
 Having this day received advice that a complaint has been
 made to H.M. in Council against me, for the seizing of a sloop
 call'd the *George and Elizabeth* of So. Carolina. I beg your
 Grace will countenance me so far, as that orders may be given
 to have that matter examined, that the truth may appear ;
 for I have now by me, a printed paper intituled Bermuda
 Justice, wherein I am represented to the world as a villain, in
 a very barbarous manner. If the subject of the complaint be
 the same with that of the preface to that pamphlet, I have
 already answer'd it, with that contempt which such malicious
 stupidity deserves, and I have order'd it to be printed. *Explains*
that the sloop was prosecuted for illegal trade in accordance
 with his 89th Instruction, (which was never published until
 his arrival), after taking the opinion of the Attorney General,
 and the libel was preferred by the Deputy Collector of Customs
etc. "Any other thing alledged against me in that simple
 paper is not true, and none but such despicable men as those
 who compos'd that paper could have had the malice and
 stupidity, to have taxed me with them. [*They are*] a club of
 smugglers in So. Carolina, by whose interest in the Assembly,
 the reversion of this tryal is prosecuted, at the publick expence
 of that Colony." The trial was in every respect in accordance
 with the rules and precedents of the Court *etc.* *Quotes from his*
letter to the Council of Trade 14th Jan., 1724 *etc.* *Continues* :
 By the Treaty of Peace and Neutrality, 1686, all manner of
 trade and commerce is discharg'd to the subjects of both
 Plantations ; and how that Treaty has been kept by the English
 (notwithstanding H.M. orders to his Governors *etc.*) I can give
 no truer account than that simple paper (Bermuda Justice)
 does : "The sloop belonged to H.M. subjects of South Carolina,
 Plantation built, navigated according to law, registered and
 qualified for the Plantation trade, was fitted out on a trading
 voyage to Martinico, a trade practised from, and allowed of
 by all the Governments on the Continent of America under the
 British Crown." The French Governors I must say, do observe
 it very strictly, when the English smugglers are not able to
 give the usual bribe for a liberty to break it ; and in that case,
 the Island of St. Lucia is the common place of rendezvous ;
 where the French smugglers do meet and barter with them,
 as well as with the abandoned traders, and pyrates of all
 nations. And this is worth your Grace's observation, that

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allowing (for argument's sake) there was a possibility to have a free and legal trade, betwixt the English and the French subjects in America; yet this is not that trade here desir'd: But it is that very illegal trade pointed at, and condemn'd in the foregoing libel: For when a vessel comes into an English Plantation, loaded with enumerated commoditys etc., without any paper or clearence testifying the legality of her trade; and that the master's oath, is all that is to be depended upon for his having taken them on board in an uninhabited place; How is it possible to know, whether he purchas'd these goods; robb'd them; or got them from the pyrates. This is a distinction very difficult to be made; But this I can averr, that all the three cases have happen'd since my being here. *Contests* the assertion of the pamphleteers that this trade is not illegal in the Plantations, the Acts 12 Car. II and 7 and 8 K. William only referring to England Ireland and Wales etc. *Continues*: The only seeming objection that can be urged against the prosecution of this sloop, is that which did occur to the Judges, vizt. that "the Law in that point has all along been wink'd at here"; But, my Lord, I must here take the freedom to say, if your Govers. in America will be remiss or negligent in their duty, that is no reason why I should be so too. *Refers to his oath and instructions etc.* *Continues*: But how I have been treated upon this account by a crew of despicable, malicious, turbulent wretches, let that printed paper declare: and who those people are, may be easiely gues'd at, by a copy from the Records of the proceedings of the Commons house of Assembly of So. Carolina now by me, which the Governor of that Colony (Mr. Nicholson) transmitted to me. My Lord, I must own that it never enter'd into my imagination, that ever it wou'd be requisite, to give a serious answer to anything laid to my charge in this affair, else I wou'd have done it sooner; but now that I find H.M. is appeal'd to, and that I am prosecuted by the Agent of ye Province of South Carolina, at that country's expence, I submit the whole to your superior wisdom etc. It is worthy of your Grace's consideration, to observe the height that this illegal trade is arriv'd at: That the Commons of a Colony (as they call themselves) shall dare in a judicial manner, to espouse the interest of a trade, which actually is next door to piracy; and that in opposition to, and in defiance of the laws of Great Britain, as well as of H.M. Instruction to his Governor published there. What the consequences may be in your Plantation trade, if a stop is not put to this illegal commerce at St. Lucia, and at other uninhabited islands and places, your Grace may easily imagine etc. *Signed, John Hope. Endorsed, Duplicate.* Rd. by Mr. Aytoune, Mar. 29, 1725. 9½ pp. *Enclosed,*

418. i. (a) Copy of 89th Article of Lt. Governor Hope's Instructions, to signify to H.M. subjects the purport

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of the Treaty of Peace and Neutrality and to forbid trade with the French settlements *etc.*

(b) Copy of libel exhibited by Thos. Brooke, Collector, against the sloop *George and Elizabeth* for importing molasses, rum *etc.* of the manufacture of Martinique, illegally shipped in Sta. Lucia, and having no legal clearings *etc.*

(c) Copy of 1st Article of Lt. Governor Hope's Instructions.

(d) Copy of 4th Article of Lt. Governor Hope's Instructions, relating to his oath to put in execution the Acts of Trade and Navigation *etc.*

(e) Copy of 22nd Article of Lt. Governor Hope's Instructions relating to trade.

(f) Journal of the Commons House of the Assembly of South Carolina, Feb. 1st, 1723. Upon the application of John Lloyd, the Committee of Correspondence was ordered to direct the Agent of the Province in Great Britain to render Samuel Eveleigh, merchant in this town, what service he can in his application for redress for the very great hardship he conceived he had undergone in having a sloop and cargoe condemn'd in Bermuda *etc.* *Copy. Signed, W. Blakeway, Cl. Dom. Com. The whole, 13 pp. [C.O. 37, 28. Nos. 24, 24. i.]*

Nov. 25. **419.** Mr. Popple to Mr. Attorney and Mr. Solicitor General. Whitehall. *Presses* for reply to Aug. 17th. [*C.O.* 5, 1365. p. 280.]

Nov. 25. **420.** H. Rosst to the Duke of Newcastle. Prays his Grace to forward the grant petitioned for in following. *Signed, Henry Rosst. Addressed. ½ p. Enclosed,*

420. i. Petition of Henry Rosst of Bermudas Island to the King. *Prays for grant of one or two small islands there etc. v. Feb. 4, 1725. 1 p. [C.O. 37, 26. Nos. 30, 30. i.]*

Nov. 28. **421.** H.M. licence of absence to William Carter from the St. James's. Council of Barbados for one year more, for the recovery of his health. *Countersigned, Holles Newcastle. Copy. [C.O. 324, 35. p. 98.]*

Nov. 30. **422.** Duke of Newcastle to Governor the Duke of Portland. Whitehall. I give your Grace this trouble at the request of Count Broglie the French Ambassador here, to desire your favour and protection to the Sieur de Chamfleur, a French gentleman of a good family, who has lately settled in Jamaica; the Ambassador has behaved himself here in a manner so very agreeable to the King, that H.M. would be glad of an opportunity of doing a favour to any of his friends, *etc.* *Copy. Signed, Holles Newcastle. [C.O. 324, 35. p. 99.]*

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Dec. 3.
New
Providence.

423. Governor Phenney to the Duke of Newcastle. *Refers* to replies to Queries 24th Dec. and 6th July, and to three more from the Lords Commrs. of Trade (*encl. ii*) *etc. Continues*: Upon my arrival here I found the fort in a very ruinous condition, the angles of the curtains having been only stopt up wth. palmeto logs and sand, were rotted and fallen away and the parapets totally decay'd being cases made of old plank and filled with earth. I apply'd myself with the Indept. Company and a few negroes to repair the parapets and have (by the blessing of God on my endeavours) entirely new built three large bastions of stone 60 ft. in face, and am continuing my application to finish and make it a compleat fortification, altho' the small number of hands that assist me and the violent storms and other bad weather which we have severely felt here some months past very much retarded our proceedings. A periagua having about 22 Spaniards which lurkt about our Islands this last summer, escapt the vessels I sent in quest of them, but fell into the hands of a Jamaica sloop who carry'd them thither, where I have heard they were condemned. The necessity we are in of carriages and other stores of war which I have long sollicitd, obliges me to desire that your Grace will please to give orders that I may have them with all possible expedition, *etc. Refers to Address encl. iii and encl. i.* Mr. Grainger was sent over here last year as Chief Justice. A proper person is very much wanted for that office *etc. Signed, G. Phenney. Endorsed, R. May 25th, 1725. 1½ pp. Enclosed,*

423. i. T. Grainger to Governor Phenney. Barbados, Jan. 31, 1724½. Necessity not choice hath obleidged me to accept of my cozin Warren's friendship in remaining in this Island *etc.* I have found Mr. Buck's promises (as his caracter entirely is) to be erroneous *etc. Signed, Tho. Grainger. Copy. 1 p.*

423. ii. Duplicate of replies to three queries from the Board of Trade *v. encl. i following. 1½ pp.*

423. iii. Address of the Justices, Grand Jury, and principal inhabitants of New Providence met at the Quarterly Sessions of the Peace to Governor Phenney. *Acknowledge H. E.'s "vigilance in repairing and augmenting the ruinated fortification, and indefatigable care of their interests etc., tho' it gives us unexpressible concern that we can be no otherways assisting to you than by our zealous wishes" etc. Beg that he will again represent their condition to H.M. and apply to him for the necessary supplies etc. (24th Aug., 1724.) 41 Signatures. 2 pp. [C.O. 23, 13. ff. 181, 181v., 183, 185, 185v., 187v., 188.]*

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Dec. 3. **424.** Governor Phenney to the Council of Trade and Plantations. Repeats matter of preceding letter, omitting last sentence. *Signed*, G. Phenney. *Endorsed*, Recd. 26th May, Read 19th Augt., 1725. 1 p. *Enclosed*,

424. i. Answers to the three last queries from the Board of Trade. (i) The islands under this Government unsettled are, (a) Leeward of Providence, the Biminees, Andros Island, Berry Islands, Grand Bahama, Abawa; (b) Windward, Cat Island, Exumas, Long Island, Little Island, Rum Key, Watlin's Island, Crooked Island, Mayaguana, Inagua. With multitudes of small islands called Keys, some of which have very good land upon 'm and fresh water. (ii) Soil and Produce. Light sandy ground near the shores, and further in the country red or black mould, fat and close. These islands naturally produce large madera and mahogany, manchineel, cedar, lignum vitæ, princes wood, pine, box, braziletto, fustick, palmetto, of which platt is made, cinamon trees, the bark of which is called winterania, sweetwood, the bark called islathera, mirtle whose berries make fine wax, several physical plants amongst which the Spaniards have told several people here that the Jesuit's bark abounds. But it has not been found for want of a curious enquirer. Fine cotton, oranges, citrons, lemmons, limas and salt in great quantities. (iii) They are capable of producing, if improved, cotton, indico, ginger, corn, sugar, tobacco, and in general everything that's improvable in the West Indies. *Endorsed*, Recd. 26th May, 1725. 1½ pp.

424. ii. Duplicate of No. 423. iii. [C.O. 23, 1. Nos. 55, 55, i, ii.]

Dec. 4.
Admiralty
Office.

425. Mr. Burchett to Mr. Popple. Having received a letter from Capt. St. Lo, appointed last year to look after the fishing at Placentia, complaining of the masters of several of the fishing ships for leaveing behind them some of the seamen they carried out, in breach of the Act of Parliament, and in disobedience to the orders he had given them, *etc. encloses following*. *Signed*, J. Burchett. *Endorsed*, Recd. 7th Dec., 1724, Read 2nd June, 1725. *Addressed*. 1 p. *Enclosed*,

425. i. Names of 11 men who came from England to Placentia in 4 vessels, and thence as passengers to Canso, Nova Scotia, in the *John and Mary* sloop of New York *etc.* *Signed*, Alexr. Cosby. *Copy*. 1 p. [C.O. 194, 7. ff. 263, 264, 266v.]

Dec. 4. **426.** Mr. West to the Council of Trade and Plantations. *Report upon* petition of London shipwrights, 19th Oct. Not-

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withstanding their complaint may be very true, as the law now stands they are without a remedy, for by the Acts of Navigation the shipping of the Plantations is in all respects to be considered as English-built shipping *etc.* *Signed*, Richd. West. *Endorsed*, Recd., Read 4th Dec., 1724. 2 pp. [C.O. 5, 869. ff. 70, 70v., 71v.]

Dec. 4. **427.** *Same to Same.* Report upon Act of Jamaica, for *ascertaining quit-rents etc.* Thinks the power lodged in the Mayor of the little Corporation, without any check, is very unreasonable. But the Act has been in operation since 1703, which may make a difference *etc.* *Signed*, Richd. West. *Endorsed*, Recd. Read 7th Dec., 1724. 2 pp. [C.O. 137, 15. ff. 202, 202v., 203v.]

Dec. 5. **428.** Mr. Willard to Mr. Popple. Your letter of the 23rd of July last I received a week since *etc.* I shall carefully obey their Lordships' commands for transmitting the publick papers for the future directly to the Board. *Encloses* Minutes of Assembly and Treasurer's accounts. *Signed*, Josiah Willard. *Endorsed*, Recd. 19th Jan. 172 $\frac{1}{2}$, Read 11th Aug., 1726. 1 p. *Enclosed*,

428. i. Accounts of the Treasurer of the Massachusetts Bay, 31st May, 1723-1724. *Signed*, Jeremiah Allen. *Same endorsement.* 52 pp. [C.O. 5, 869. ff. 267, 268v., 270-295v., 299v.]

Dec. 5. **429.** Governor Nicholson to the Council of Trade and Plantations. I hope in God yor. Lordps. will receive mine of 14th Nov. *etc.* I now humbly transmitt an accot. of all the old bills which were burnt at several times amounting to £68,346 18s. 3d., which I take to be the total summ that hath been changed for new ones and if there be any left, they are of no validity by Act of Assembly. When the law past for changing ye old bills it was supposed (tho' uncertainly) that there might be to the value of £80,000 but it proving otherwise the country is only to make good that £68,346 18s. 3d. *Refers* to accounts of the new bills burnt (v. Oct. 30 and Nov. 14). *Continues*: I shall (God willing) take care that they be burnt according as the law directs. I humbly transmitt our resolve in Council concerning a new Assembly *etc.* *Refers* to enclosed letters concerning the Cherokees. *Continues*: Upon the receipt of them I gave orders to send to the frontiers to be upon their watch and guard. There are various opinions about this unlucky accident. I have not had any further accot. of this affair so I hope in God there will be no further mischief done and that this was only designed against Sharp. When I have any further accot. shall humbly transmitt it to yor. Lordps.

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by the first safe opportunity. We have several ships and vessels here bound for Great Brittain and other parts and we dayly expect more. I thank God we have had extraordinary fine weather so that we have had a very proper season for the rice and pitch. Having had the honour and great fortune of receiving H.M. most gracious leave to goe for Great Brittain, I shall God willing after the Assembly's up embark for London and please God I arive there I shall do myself the honour of paying my duty to yor. Lordps. *etc.* *Signed*, Fr. Nicholson. *Endorsed*, Recd. 19th Feb., Read 18th Nov., 1725. 1½ pp. *Enclosed*,

429. i. Form of writ for electing Members of Assembly. 2nd Dec., 1724. *Same endorsement.* 1 p.

429. ii. Minute of Council of S. Carolina, 21st Nov., 1724. Resolved, that writs be issued for calling a new Assembly *etc.* *Same endorsement.* *Copy, certified*, Wm. Timley, Cl. Con. 1 p.

429. iii. Account of £68,346 18s. 3d. old bills exchanged by the Commissioners for reprinting the current bills and burnt. *Signed*, T. Hepworth, H. Houser. *Same endorsement.* 1 p.

429. iv. Invoice of goods and skins taken from John Sharp by the Creek Indians. 9th Nov., 1724. *Same endorsement.* *Copy.* ¾ p.

429. v. John Sharp to Governor Nicholson. Nooyahwee, 12th Nov., 1724. On the 9th inst. 200 Creeke Indians surprised my house, firing two vollies and wounding me in the leg. They plundered my house and stripped me of all but a pair of breeches *etc.*, never offering to fire upon the town tho' within gun shott, neither did the town fire upon them, they continuig plundering till daylight, then went about their business, whilst the Cherikees kept themselves secure in their forts. Two days later, Capt. Hatton with 9 white men came to this place, hearing of what had hapned, and promised to give your Excellency a full account *etc.* *Encloses preceding.* *Signed*, Jno. Sharp. *Same endorsement.* *Copy.* 1 p.

429. vi. Capt. Hatton to Governor Nicholson. In the Charokees, 14th Nov., 1724. *Amplifies preceding.* *Continues*: When I asked the Cherokees, why they had not aided Sharp, they said their young men were absent hunting. They said they would presently follow the Creeks and bring back the plundered goods and asked us to join them, reminding us of all the insolences the Creeks have been guilty of to the traders. As we had not punished them, they believed we were as much afraid of the Creeks as they are *etc.* I replied we could not go into the woods after the Creeks without orders

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and that there were a great many white men trading amongst them whose lives would be at stake *etc.* It is my humble opinion with the rest of the traders here, that if the white people do not joyne the Charokees to go against the Creeks they will joyne one another, and bend their forces against the white people, for they are continually putting us in mind of our former promises, that we should always stand by them against their enemy, wch. has ever since been neglected, tho' they are not able to withstand them by themselves *etc.* I asked how many men they required, they told me 300. I think that we who are traders here do stand but a very poor chance of getting our effects down, or preserving them here, for if the Creeks demolish our stores, and rob us of our goods by the Indian town-sides, what may we expect from their hands, when they meet us in ye woods, wth. a number capable to overpower us. And on the other hand, the Senecas threaten to kill us, if they meet us, as a slave told us, who made his escape from them. And the Cattawbas and the Charokees are gangeling, for in the summer one of there people kill'd a Charraw man, and the Cattawbas came here and demanded satisfaction, and about 20 days ago the Cattawbas and Charraws took a woman of the Charokees prisoner, but she made her escape from them, and got home again, upon which they threaten revenge upon one another. I think it necessary that yor. Excelley. should accomodate this difference and to make up the breach (if there is any) between the Charokees and Cattawbas, for if a war should happen between those two Nations, the Cattawbas will certainly go over to the Creeks, by which means they would drive the Charokees out of their Nation, but wth. the Charokees and Cattawbas there is no doubt by ye help of God but Carolina will be able to deale with the Creeks *etc.* Signed, W. Hatton. *Same endorsement. Copy. 4 pp.* [C.O. 5, 359. ff. 259, 259v., 261-267v., 268v.]

Dec. 9. **430.** (a) Certificate by London shipwrights and rope-makers that Plantation tar is as good as any Swedish. 10 *signatures*.

(b) Certificate to same effect by owners of ships trading to the East Indies. 4 *signatures*. $\frac{1}{2}$ p. *The whole endorsed, Reed. Read 18th Dec., 1724. And see C.S.P. Jan. 22, 1722.* [C.O. 323, 8. Nos. 50, 51.]

Dec. 10. **431.** Order of King in Council. Referring following to the Council of Trade and Plantations for their report. Signed, St. James's. Ja. Vernon. *Endorsed, Reed. 22nd Dec., 1724, Read 18th Feb., 1724.* $1\frac{1}{4}$ pp. *Enclosed,*

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431. i. Petition of the Court of Directors of the South Sea Company to the King. South Sea House, 3rd Aug., 1724. Petition against Acts of Jamaica laying duties on negroes and flour as prejudicial to the Assiento trade. (*v. A. P. C. III. p. 73.*) *Signed*, John Eyles, Sub. Govr., Jno. Rudge, Dept. Govr. *Copy. 3 pp. Enclosed*,
431. ii. Orders of Lords Justices in Council, 9th Jan., 1717, repealing Act of Jamaica *laying duties on negroes, etc. Copies. 5 $\frac{1}{4}$ pp.*
431. iii. Copy of Articles 20 and 85 of the Duke of Portland's Instructions. *1 $\frac{1}{4}$ pp.*
431. iv. Copy of Additional Instructions to same, 16th Jan., 1718. *5 $\frac{1}{4}$ pp. Nos. i-iv endorsed*, Recd. from Mr. Stanyan 9th, Read and Refd. to Board of Trade, 10th Dec., 1724. [*C.O. 137, 16. ff. 1-5, 6-8v., 10, 10v., 12-14v., 15v., 16v.*]

Dec. 10. **432.** Order of King in Council. Referring following to St. James's. the Council of Trade and Plantations for their report *etc. Signed*, Ja. Vernon. *Endorsed*, Recd. 18th Dec., 1724, Read 18th Feb., 172 $\frac{2}{3}$. *1 p. Enclosed*,

432. i. Petition of Merchants trading to Jamaica to the King. Petition against Acts of Jamaica, laying duties on negroes and flour. (*v. A. P. C. III., p. 72.*) *Signed*, Hum. Morice, Rd. Harris, Wm. Hunt, James Knight. *Copy. 1 p. [C.O. 137, 16. ff. 17, 18, 20v.]*

Dec. 10. **433.** Mr. Popple to Mr. West. Encloses, for his opinion Whitehall. in point of law, Act of Pennsylvania, 1724, *prescribing the forms of declaration of fidelity, abjuration and affirmation, instead of the forms heretofore required in such cases. [C.O. 5, 1293. p. 340.]*

Dec. 11. **434.** Mr. Scrope to Mr. Popple. *Encloses* following for the Treasury opinion of the Board thereon. *Signed*, J. Scrope. *Endorsed*, Chambers. Recd. 14th, Read 15th Dec. 1724. *Addressed. $\frac{3}{4}$ p. Enclosed*,

434. i. Petition of importers and dealers in tar to the Lords Commissioners of the Treasury. The method prescribed by the late Act renders the making of tar in the Plantations impracticable. *Pray* them to recommend to Parliament the continuance of the premium and permission to use such methods as are practicable *etc. 47 signatures. 2 pp. [C.O. 323, 8. Nos. 49, 49. i.]*

Dec. 12. **435.** Mr. Clarke to [*? H. Walpole*]. *Refers to* former letter New York. (*? Oct. 10*) giving account of the Assembly's proceedings and

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the Governor's interposing in last summer's bill *to make good the deficiencies of the Revenue, etc.* Notwithstanding those specious shews, your warrants are still postponed as effectually as if the bill had past in the terms it did in 1723 and the present Treasurer's accounting delayed upon every pretence *etc.* I am willing to have a fair correspondence with the Governor and to acquit myself of the imputation of contending for trifles so unjustly charged upon me; But if there be no other way than by a criminal silence *etc.*, I shall proceed as becomes one who has the honor to be employed by you *etc.* What can be inferred but that the Governmt. submits to the King's orders only till an opportunity presents of contesting your rights again, and to let future Assemblys see by these refusals delays and excuses that they never intended your authority should take place here, *etc.* Fears that his forbearance at the instance of the Governor (*v.* Oct. 10) has only encouraged the Treasurer and his supporters. "It is not to be wondered at that inferior persons should speak slightly of your authority when those in superior stations shew them the example" *etc.* *Asks for his commands.* *Concludes:* Should the Governor go on and strip me naked, that will not deter me from a punctual obedience of them *etc.* *Signed,* Geo. Clarke. *Endorsed,* 23rd Feb. *Holograph.* 3 pp. [C.O. 5, 1085. No. 50.]

Dec. 16. **436.** Governor Nicholson to the Council of Trade and
South Plantations. *Refers to enclosures and duplicates of Dec. 5th.*
Carolina. *Continues:* By the best accot. I can have here we may expect here this [? month] from Great Brittain from the West Indies and from New England about fifteen sail of ships and other vessells which if please God they all arive will be sufficient to carry away all the rice and pitch. *By enclosed Naval Officers' list of ships etc. yor. Lordps. may please to see that the trade of this place increaseth since I had the honour to command here. P.S. The affair of the Indians (v. 5th Dec.) will be considered of in Council this day etc.* *Signed,* Fr. Nicholson. *Endorsed,* Recd. 24th Feb., Read 18th Nov., 1725. $\frac{3}{4}$ p. [C.O. 5, 359. ff. 269, 270v.; and (abstract) 5, 406. p. 22.]

Dec. 16. **437.** Stephen Godin to the Council of Trade and Plantations.
London. Upon the occasion of H.M. Speech recommending a further provision for Greenwich Hospital, *reminds the Board* of the further advantage which that Hospital would derive from his project of a law obliging all ships fitted and loaded in our Colonies for Europe, Africa *etc.* to come, clear and refit in Great Britain before they could return home *etc.* The Colonies cannot reasonably object against such a law, being put upon a level with their fellow subjects of Great Britain, especially if said Act renewed the bounty upon pitch and tar, "now ready to

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expire, which hath caused tar to advance already from 7 to 14s. pr. barrel," etc. *Signed*, Steph. Godin. *Endorsed*, Recd. 22nd Dec., 1724, Read 12th Jan., 172 $\frac{1}{2}$. 2 pp. [C.O. 323, 8. No. 55.]

Dec. 19. **438.** Mr. Popple to Mr. West. *Presses for report upon the*
Whitehall. Acts of Jamaica and petition of ship carpenters referred to him, "they are matters of very great consequence, and both require and deserve all possible dispatch" etc. [C.O. 138, 16. p. 507.]

Dec. 22. **439.** Mr. Cumings to the Council of Trade and Plantations.
Boston. *Repeats* letter of 10th Oct. *Continues*: The trade to the abovementioned forreign Plantations increases daily, by which its to be feared a great deall of illegall trade is carried on etc. There is annually a great many vessels goes from this port to the bay of Honduras to cutt and load logwood a great part whereof is brought into this port and it having been practised to load logwood from this part for Holland, Hamborough, and the Streights, which I humbly presume to be very prejudiciall to the trade and manufacturies of Great Brittain if not timely prevented, for as the late Act of Parliament for the encouragement of the silk manufactory of the Kingdom lays a duty of 20s. per tunn upon the export of logwood from G. Brittain and as rume, molosses, sugar, cotton wool and cocoa nutts of the produce of our own Islands pays a duty there upon export, so that thesse commodities of forreign growth if a prohibition of trade with them be not made which wold be of great service then a duty to be laid upon commodities of forreign growth and the logwood unloaded here to be carried nowhere but to Great Brittain etc. *Signed*, Archd. Cumings. *Endorsed*, Recd. 23rd Jan., 172 $\frac{1}{2}$, Read 11th Aug., 1726. 1 $\frac{1}{2}$ pp. [C.O. 5, 869. ff. 332, 332v., 333v.]

Dec. 24. **440.** Governor Hart to the Council of Trade and Plantations.
Antegoa. I arrived in this island on the 12th of Nov. in H.M.S. *Hector* Captain Orme Commander, and on the same night two negroe men swam a quarter of a mile, tho' chain'd by the leggs to each other, from on board the sloop *Two Brothers*, Peter Rouse master, to the *Hector* then at anchor in the harbour of St. Johns, and inform'd Capt. Orme they were subjects to the King of Portugal, and inhabitants of the Cape de Verde Islands, and were clandestinely taken away by the said Rouze, with intention to sell them as slaves in the West Indies; and that there were 25 more free negroes under the same circumstances. On this information Capt. Orme seized the sloop etc. *Encloses* depositions of sailors etc. I issued my warrant to apprehend Rouze, but he hearing his men examin'd fled, and lay conceal'd, tho' very diligent search was made for him. Upon this I advised with the Councill, and H.M. Attorney General, Mr.

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Warner, what methods I could proceed in against the vessell, and for sending the said negroes to the Cape de Verde Islands, and restoring them to their liberty. The Attorney General gave his opinion, that he could not find the taking of negroes from the land was piracy, and if it should be judgd so, yet as Rouze could not be apprehended and brought to tryal, he being the master of the sloop, and principal actor, the sailors having only obeyd his commands, nothing could be judicially done against him, unless he was personally present. In the mean time Rouze presents a petition to me, setting forth his great sorrow for what he had done, and offer'd, as an attonement for his fault, to hire a sloop, to transport the negroes to the Cape de Verde Islands, and prayd he might have his pardon *etc.* With this petition came a certificate signd by a great number of merchants, and other inhabitants of Antegoa, of his former good behaviour; Both which I communicated to the Councill, who advisd me to grant him H.M. pardon, on condition he enterd into security of £1000 immediatly to send back the said negroes, and produce a certificate in six months time of their being deliverd *etc.* On the Councill's opinion, I granted him a pardon; (inclosed), having first taken the security mentiond; and accordingly the negroes were put on board another sloop hird for that purpose, and their wages paid, and all necessary provisions put on board *etc.* Now to the end that all Governors *etc.* on the Cape de Verde Islands, might know, how much such an action was abhorr'd by me; and to the intent that no reprizals might be made on the vessell sent back *etc.*, I sent the inclosed instrument of writing setting forth the whole matter; which I hope will be accepted by the respective Governors as a reparation for the injustice and violence offerd to the subjects of the King of Portugal; and convince them, that no such wicked attempts will be countenanced in any of the Brittish Governments; which might be of very ill consequence, if tolerated, to our trade in those parts, so many of our ships touching at the Cape de Verde Islands for water and trading thither for salt; who might, tho' innocent, find the resentment of the Portuguese inhabitants there, being most of them negroes. *Hopes for their Lordships' approbation etc. Signed, Jo. Hart. Endorsed, Recd. 16th, Read 17th June, 1725. 5 pp. Enclosed,*

440. i—iv. Depositions of John Jones, Richard Condriek, 14th Nov., 1724, and William Snary, Mathew Peterson, 15th Nov., mariners, of the *Two Brothers*, sloop. Peter Rouze the master carried off 25 negroes, Christian subjects of the King of Portugal from Cape de Verde Islands to the Leeward Islands *etc. Copy. 8 pp.*

440. v. Deposition of Francisco Delgando, a Christian negro and Portuguese subject. Confirms preceding. 15th Nov., 1724. $\frac{3}{4}$ p. *Nos. i—v endorsed as covering letter.*

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440. vi. Pardon granted by Governor Hart to Peter Rouze, 8th Dec. 1724. *v. supra. Same endorsement. Copy.* $2\frac{3}{4}$ pp.

440. vii. An Instrument of writing sent by Governor Hart to the Governors and Officers of the Cape de Verde Islands, under the Great Seal of the Leeward Islands, 26th Dec., 1724. Describes proceedings and asks for a certificate of delivery of the returned negroes. *Signed, J. Hart. Copy. 2 pp. [C.O. 152, 15 ff. 15-17, 18v.-23, 25v.-28, 29v., 30, 31, 31v.]*

Dec. 25. **441.** Petty Expenses of the Board of Trade, Michaelmas to Christmas. *v. Journal of Council. 4½ pp. [C.O. 388, 78. ff. 108, 112-113, 115.]*

Dec. 28. **442.** Governor Burnet to the Council of Trade and Plantations. I have one paper more to trouble your Lordships with, to confute the merchants assertion, that fewer goods have been imported to this place, since the Act about the Indian trade, than before. This account taken at the Custom house for four years before and four years since the Act, will shew the contrary, *etc.*, and the number of vessels, differs by but one *etc.* P.S. *Encloses* duplicate of Capt. Fitch's certificate (*v. 21st Nov.*). *Signed, W. Burnet. Endorsed, Recd. 24th Feb., 172½. 1 p. Enclosed,*

442. i. Account of furs and skins exported from New York for four years before and after the Act *for the encouragement of the Indian trade in 1720. Signed, Rob Elliston. Endorsed, Recd. 24th Feb., Read 16th April, 1725. 1 large p.*

442. ii. Ships entered inwards (73) and European goods imported from Great Britain and Ireland to New York 1717-1720. *1 large p.*

442. iii. Ships entered inwards (72) and European goods imported from Great Britain and Ireland to New York, 1720-1724. *1 large p. Signed and endorsed as preceding. [C.O. 5, 1053. ff. 299, 301-302, 303, 303v.]*

Dec. 30. **443.** Governor the Duke of Portland to the Council of Trade and Plantations. *Acknowledges* letter of July 30th *etc. Continues:* I think the properest way to return an answer, will be by giving an accot. of what has pass'd here since my last, and take notice of yor. Lordps. letter as I proceed. In order to that, I must first referr your Lordps. to what I writ, Oct. 15th, about the bustle we have had here concerning the condemnation of the *Chandois* and *Esperance etc.*, in which your Lordps. will find, Mr. Bernard was the chief adviser, if not promoter. His transactions have left no room to doubt,

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but that he has, ever since my arrival, been watching for fair opportunities to make the Government uneasy ; I then also acquainted your Lordps., that whoever knows Mr. Bernard perfectly can't be insensible of his pride, the imperiousness of his temper, and the violence of his passion, I should then have added a further epithet, which I was unwilling to do, till his conduct sho'd force me to it, which is, the weakness of his spirit, or rather his pusillanimity ; I have observ'd upon different occasions, that his temper, and his passion, have got the better of him, so far as to advise sevell. things, which he never had resolution enough to support, but startled, if he met wth. the least difficulty, and one may venture to say that the weakness of the Government here, is in a great measure owing, first to his behaviour, and next, to his councils ; I was notwithstanding in hopes, that the personal regard, with which I have always treated Mr. Bernard, and the friendship I was desirous to have cultivated wth. him, wo'd have got the better of all his uneasyness, with respect to the Government, but it seems, and I can't put any other construction upon what has happen'd, than that the Gentmen. of his party, were so apprehensive of it, as not to let him be quiet, and would make use of him further to attempt, and try, how far he co'd support them ; It appears, their stratagem was to advise him to press for leave to surrender his place in Council, and as I have some reason to suspect upon a certain supposition, of which they persuaded him also, that he was of that consequence, as that I wo'd rather have chose to submit, for the future to be totally influenc'd by him, than to admit of his request ; I plainly perceiv'd their design, which made me cautious, and Mr. Bernard the more obstinate, so was forc'd at last to accept of his surrender, but first acquainted the Council with it, and entreated them, to advise, and assist in dissuading him if possible, but to no purpose ; This will appear more fully in the minutes of the Council I now send over, as also the reasons he has given for his desire to absent from business, and insisted upon, to be the only ones he had (tho' in my opinion very weak) *etc.* What I have here mention'd, did not happen till towards the end of the last sitting of the Assembly, during which Mr. Bernard and his party have took more than ordinary pains to create trouble, and try'd every thing they could think of, to obstruct publick business, and oppose the Government, but I may venture to assure your Lordps. that they can't boast of their success (and shall always be prepar'd to obstruct and disappoint them in any unwarrantable undertaking) *etc.* Amongst those who have been the most industrious to oppose the Government, some of them are persons, who enjoy places here by patent ; They look upon themselves as independant, and upon their places as freeholds, thinking they are not at all oblig'd either to assist, or in the least countenance the Government ; He

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who has distinguish'd himself most, in shewing all the contempt in every thing he co'd, is the Provost Marshall, who tho' he is call'd so, is only Deputy to Mr. Rigby, who himself officiates here, as one of the Agents of the South Sea Company ; In my last I mention'd how far this Depty. Provost Marshall, was concern'd in the late bustle, concerning the condemnation of the ships, and tho' then, I had just reason to shew the utmost resentment, yet upon the application of sevl. of his friends, I consented to overlook all what had past, expecting, that out of gratitude, according to his promise, his behaviour for the future, wo'd have been without exception, but I find my indulgence has been abus'd, and must observe, that one will be deceiv'd, if one do's rely too much, upon the gratitude, or generous principles of people here ; They certainly are not to be trusted ; This Provost Marshall is so link'd in, with that party, concern'd in the abovesaid condemnation, that he has ever since joyn'd with them, to shew the utmost resentment against those who had been employ'd in the support of the Government, and to see a due obedience paid to my Instructions, as also a due execution of the laws, particularly those, concerning trade ; during the last sitting of the Assembly, he was one of the principalls in all Caballs, and it is too much to be suspected, that he made use of all his interest, to influence some of those, who are Members of it (and whose circumstances are very well known) to joyn with them, who proceeded in the most unaccountable way, to shew their revenge ; H.M. Attorney General who had been the principal person employ'd, in the chief transactions of the Vice-Admiralty Court, which gave them so much uneasyness, was the aim of their resentment, and they were not at rest, till they put some mark of indignity (as they thought) upon him, which they co'd find no other way to put in practise but by turning him out of the House, in the most unhansome and arbitrary manner, upon a petition which they in a manner forc'd a poor man who was Coroner of this parish, and a creature of theirs, to present to the Assembly, setting forth, that another Coroner, had been appointed in his stead by my authority, that the countenance the Attorney Genl. had given to such an appointment, was an invasion upon the libertys of the people ; I must upon this observe, that when the attendance of this man was requir'd, they had prevail'd upon him to absent himself, so as not to be found, on purpose, to evade the execution of his office ; It is true by the indulgence of the Government here of late, some of the parishes have chose their Coroners, but by the best information I co'd get, H.M. Prerogative to remove, or appoint Coroners, has never been given up, and no properer occasion co'd offer itself, to re-establish that prerogative, than the absence, and neglect, of the Coroner in being, particularly at a time, when he knew, that his immediate attendance wo'd be requir'd ; I know very

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very well, that by the laws of England, they generally elect Coroners, in the Sheriffs County Court ; but as that cannot be observ'd here, and that H.M. has power to appoint Coroners in sevl. franchises, as also that there is no law here to take that priveledge from H.M., it seems to me, and to sevl. others, there can be no legal Coroner, in this Island, but by virtue of H.M. power ; I desire your Lordps. wo'd favour me with your opinion upon this head ; I shan't enlarge upon their rejoycings, after this pretended victory, but think it altogether improper, that those who are entrusted with any authority from the Government, sho'd extend that power in opposition to it ; The Provost Marshall's behaviour also personally to me, is so remarkable, and so slighting, that it ought not to pass unregarded, I co'd likewise say a great deal, about the character of the person, with respect to the management of his office, wherein there is gross abuses, and also with respect to his principles, which makes him unfit, and dangerous company, to those who have the Protestant Succession anyways at heart ; It may not be improper yor. Lordps. sho'd know that this person, is a bosom friend of Mr. Bernard's ; I think after what I have said (and that wth. a good deal of reserve) it would be a reflection upon myself, sho'd I suffer him to continue any longer in the enjoyment of his office. Some examples of that kind are absolutely necessary, since the Government, has too long, and too much been trampled upon ; I don't at all question but that your Lordps. will concurr in the same opinion. Your Lordps. will find that since my last, I continued the Assembly under constant short adjournments, till the necessity of the Publick, occasion'd by the expiration of all the money bills, call'd upon me, to let them sit, and proceed to do business ; It will be absolutely necessary, whilst I am speaking of the Assembly, to give an accot. of the proceedings of the Council, they being so interwove together *etc.* I some time ago represented to the Council, how necessary it was, to remove the difficulty's that constantly attended the getting a full Board, upon the Gentlemen's alledging that their private affairs, would not admit them to attend from home, upon every summons, by which, what concerns the Public, must, if not neglected, at least be postpon'd, to the great inconvenience of the people, and dis-appointment of all affairs, besides, that it was a great charge in allways sending expresses, with summonses, wch. might also be avoided, therefore it was, and likewise for the ease of the Counsellours, that they might regulate their affairs accordingly, on 29th Jan., 172 $\frac{3}{4}$, resolv'd, that for the future all Members of that Board, sho'd give their attendance, the first Tuesday in every month, to begin the first Tuesday in March then following ; The first time they were punctuall ; but the first Tuesday in April, which was on the 7th, tho' I had business prepar'd for them, they fail'd, and tho' I had them summon'd

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with all speed, co'd not get Council till the 14th. I then desir'd them to be more punctuall for the future, but to little purpose, for in May, they likewise fail'd in their attendance, however, having nothing very material for them at that time, I took no other notice of it, than by pressing them, as occasion offer'd, to be punctuall in June; They attended accordingly, but the July following, tho' there was business then, they fail'd again, and co'd not get them together, till the 9th; The Assembly being adjourned to the 27th of that month (constantly expecting letters, and Instructions from England) I prevail'd wth. them to attend then; but soon after, which the August following, they fail'd again, on the appointed day, however, overlook'd it, since they had sat but a few days before, I expected then, they wo'd have been punctuall the Sepr. following, but they fail'd also then, I thought the reason of it, was that as they knew, the Assembly was to meet the 15th of that month, they had delay'd to give themselves the trouble of coming up, till then, but wonder'd to find myself disappointed of a Council, at such a time, having only two in town, I was oblig'd upon this, to adjourn the Assembly without them, to the 30th which was within a day or two of the expiration of their laws, and to send positive summonses to the Counsellours to attend that day; Upon their attendance, it was thought proper further to adjourn the Assembly, to the 20th of October, which was but a few days, before the expiration of all the money bills; This being resolv'd upon, the 30th of September, I did not expect a meeting of the Council, so soon, as the first Tuesday of October, according to the former resolution, but earnestly press'd them to be in town at least one day before the meeting of the Assembly; I co'd not in the least doubt of having a Council on that day, which was the 19th, to consult what measures were proper to be taken, when their laws had been expir'd for some time, and the money bills, would be the same in a few days; As to the want of their laws, I co'd have supply'd in the same manner, as I had already begun, with some discretion and management for some time longer, till I had receiv'd H.M. Instructions, which I daily expected; But as to the money bills, I thought it altogether impossible for me to attempt or undertake any thing to supply the want of them, and as the Government, or the service of the Island, co'd not be supported without money, it was absolutely necessary to consider well, how to proceed, at so critical a time, since it was not probable that the Assembly co'd be prevail'd upon, to pas the necessary money bills, without considering, and attempting something, concerning their laws, and as I was resolv'd not to consent to, what might stand in the way, or be any obstruction to, whatever Instructions I might receive, I thought it deserv'd more than ordinary consideration, but my expectations on the 19th Oct., notwithstanding all my endeavours and the reasons, I had in

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discourse, beforehand given to the Counsellrs. that they might come prepar'd on that day, were disappointed, by their non-attendance, however the Assembly was to meet according to adjournment on the next day, and the necessity of affairs, would not admit of any prolongation ; Your Lordps. will easily imagin the great difficulties, that this put me under ; I prevail'd with the Assembly, to adjourn themselves, from day to day, for a short time, but some of them began to grumble loudly, and complain, that they were ill us'd by the Council, hoping by that, to increase the uneasyness in peoples minds ; even Mr. Bernard tho' in town, declin'd attending, as I suppose some others did by his example, and tho' desir'd to attend in order to advise with him, yet always excus'd himself pretending to be out of order, tho' then he was well enough to meet his factious friends at a tavern, or receive them at his house, and spend a great part of the night with them ; The only resolution I co'd come to under these difficulties, was to proceed as well as I could, in the same manner as if I had a Council, and I accordingly laid before the Assembly, what I then judg'd most necessary for them to do, expecting a quorum of Council every hour ; It is surprising that under these circumstances and the Assembly sitting, I co'd not get a Council till the 29th and it was a difficult task at such a time, to manage affairs for nine days successively, as that a quorum of Council might not be wanted ; It is also remarkable, that even after the Counsellours were come, I co'd hardly keep a sufficient number of them in town, and that there was a quorum wanted may appear by the Journals, and I may venture to affirm, they will prove all what I have here above mentioned concerning them ; When the Assembly was met, altho' I mention'd in my former letter, that I thought the generality of the people here, were rather inclin'd to wait with patience for H.M. final determination, concerning the laws, than that I sho'd receive any other Instruction, to continue them upon the foot they had been, and had even, in a manner valued myself upon the confidence they seemed to repose in me, however, those who had nothing but disorder and faction in view, had rais'd such a spirit in the people, as to make them very importunate, to have their laws reviv'd by a new bill, hoping by this, (that as the bill wch. I transmitted to England was not return'd, and knew, I had not then receiv'd my Instruction from H.M. how to behave in that case) to perplex all manner of affairs ; One objection I made to what they seem'd so much to desire was, that I did not know whether H.M. did not intend the Municipal laws shou'd expire for some short time, on purpose that the people here, might be induc'd to sett a more just value upon them than they seem'd to do. Your Lordps. will find, by what follows whether I was mistaken, in H.M. intention, or not, concerning their want of the Municipal laws, for some short time, that however what I had said concerning them,

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had the effect I propos'd. When the Assembly met, as had been given out, the reviving the laws stood in the way of all other business, and accordingly such a bill was brought in to revive them for a year; This was done in a good deal of hurry, and all other business in a manner postpon'd till they first sho'd see the success of that bill; I did not question but I sho'd be able to draw some advantage from this fury of theirs, and chiefly oppos'd the bill to make them the more eager for it, sevell. attempts were made to have amended that bill, by augmenting the Revenue, but according to my private wishes, was allways pleas'd when those amendments met wth. no success, having something else in view, to graft upon it, which was, a separate Revenue bill, wch. I now also wth. satisfaction transmit to your Lordps., it being, what I think, a very good use may be made of; As I allways had declar'd that I was resolv'd to do nothing concerning the renewing of their laws, without knowing H.M. pleasure, concerning them, nor anticipate His Instructions, when they did send up the bill for the continuance of their laws for a year longer, without any new additional Revenue, it gave me the justest grounds in the world to say, that they had no manner of regard for H.M. commands, and us'd me very ill in expecting that after the declaration I had allways made, to obey H.M. as my duty requir'd, they co'd hope, I wo'd give any countenance, or my assent to a bill, which was in direct contradiction to those Instructions I had communicated to them, that their laws were not to be renew'd without an ample provision for the support of the Government; The apprehension of the want of their laws, had taken so much root in people's minds, wch. at first, was intended, to be an obstruction to all what I co'd propose, was then become, the greatest help I co'd wish for, for they brought in, this new Additional Revenue bill, and went thorough it, with such hast, as not to give themselves time to consider in what manner it was drawn, and I had a good deal to do, to prevail wth. my friends to let them alone, and to take no manner of notice of it; Your Lordps. will see that it is quite independant of the bill for continuing their laws, and as to time indefinite, only except the perpetuity bill, wch. I have transmitted home, sho'd pass into a law, which if it dos not, or is sent back wth. any alterations, till they consent to them here, or a new perpetuating Revenue bill, be entirely settled, this new additional Revenue bill remains in force; By this yor. Lordps. may perceiv, that I shall be the better able henceforward, to engage them into a compliance with whatever Instructions I may receive, by having in the mean time secur'd, so considerable an addition to the Revenue, without any provision for any laws, and they will allways be glad to grant the old Revenue, for the sake of renewing their old laws; I think I need not say much more, to explain to yor. Lordps. the good effects this may have,

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in contributing towards the perpetual establishment of the Governmt. here ; I also send over to your Lordps. some other bills, wch. were thought proper to be pass'd, but I found myself oblig'd to reject the Additional Duty bill wch. lays a tax upon negroes, they had drawn it in such a manner, by leaving out the clause, that exempts negroes imported only for refreshment, as that I thought it contradictory to that standing Instruction I have, not to pass a bill of any extraordinary nature, and I am the better pleas'd, for not having pass'd it, since within these few days, I have receiv'd an Additional Instruction, to enforce that standing one ; Having rejected the Additional Duty bill, the bill for the guard sloop in consequence had the same fate the fund towards defraying that charge, being given by that Additional Duty Bill. I wo'd have given them an opportunity to have pass'd a new bill, since upon that guard sloop depends the security of their Plantations near the shore, where pirates often us'd to come not only to disturb a great many, but destroy some entirely. It was in vain for me to make them that offer, since I co'd not prevail wth, the Members of the Assembly, to be absent from their Plantations and continue together any longer, wch. has oblig'd me to adjourn them to the 19th of next month, in hopes that then they will be more at leisure, to consider of this, if they please, in the mean time I have prevail'd with the Commadore to order the *Spence* sloop, wch. is here, to supply the place of that guard sloop, till it can be again provided for. *Encloses* some Queries to the Council, whilst the bill for renewing their laws was in suspence, which will shew the difficulties, I was oblig'd to struggle with. H.M. Instructions empowering me to give my assent, for the continuance of their laws for a year, came in the nick of time, having done all that was in my power, or co'd propose to do, in so critical a juncture, tho' if it had come sooner, it wo'd have eas'd me of a good deal of trouble, however it wo'd in all probability have prevented the passing this new Additional Revenue bill, and my aim wo'd have been lost, in what I can't help thinking to be at present very advantageous ; Your Lordps. will find in the Minutes, sevll. things concerning Addresses, but indeed their behaviour has been so very extraordinary about them, that the particulars thereof, wo'd require much more writing than what wo'd deserve yor. Lordps. attention. I must now return to the proceedings of the Council ; It was on 27th Nov., I adjourned the Assembly to 19th Jan., but desir'd the Council to meet the next morning 28th Nov., to consider of sevll. affairs, amongst wch. was that, how to support the want of the guard sloop, but those Gentlemen thought proper instead of meeting in Council, to take no manner of notice of what I had desir'd the day before, and instead of attending, went all out of town. According to their former resolution they ought to have met the first Tuesday of this

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month, but as yet have heard nothing about them ; I must therefore entreat your Lordps. upon considering the difficulties and disappointments one meets with, that you wo'd have some indulgence if I am not so exact, as I co'd wish, in answering yor. expectations, I can assure you, it is not for want of any application in me, or taking all the necessary pains about it, but I find myself reduc'd to an impossibility of being punctuall, which will appear to yor. Lordps., by what I have so particularly taken notice of, concerning the Council. You'l perceive, that from the day, upon which they posotively resolv'd to attend for the dispatch of all publick business, they ought to have met ten times, during which they attended but twice, and fail'd eight, that twice, I was oblig'd to send particular summons's, and that their failure in their attendance in so remarkable a manner as they have done, (twice also) at the meeting of the Assembly, but particularly the last, which was so notorious a neglect, in the eyes of the Publick, is inexcusable ; I sho'd be very sorry, to come to any extremitys wth. them, by turning them out, according to my Instruction, which is enter'd in the Council Books for their information ; I suppose a good deal of this, has been owing to the intrigues of Mr. Bernard, but hope for the future, since he has thought proper to retire from all business, and from the Council, those obstacles will be remov'd, but I must observe, that as I dont think it adviseable or desire to have any one remov'd, however there is an absolute necessity to fill up the vacancies, considering the state of the Council, as it now stands, their number is but twelve, out of wch. there are four absent out of the Island, vizt. Col. Sadler, Capt. Gregory, Collo. Pusey and Major Rose ; I desire to know whether these have apply'd for any license of absence from H.M. ; and as they have neglected applying to me for leave to absent themselves, I hope they will not succeed in any application (if they have made any) to the King ; Mr. Bernard having laid down, there remains but seven, and out of this number, one, who is, Collo. Campbell lives 120 miles off, and the roads to him so bad, over the mountains, that it wo'd be hard, to require his attendance upon every occasion, but particularly in rainy seasons, all manner of communication, wth. those parts is entirely cut off, wch. not only then prevents his attending, but also to be sent for. Another, whose name is Collo. Swimmer, also lives near 70 miles from this place, and the same difficulties, obstruct his constant attending, so that there remains but five, who live in the neighbourhood, but as even out of them, there are two who are very sickly, and often afflicted wth. the gout, there remains but three, I can constantly depend upon (including Mr. Samuel Moor, for whom, I lately receiv'd H.M. Privy Seal) wch. makes it absolutely necessary, for the dispatch of business, that at least Mr. Bernard's vacancie, sho'd imediately be fill'd

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up ; I have been at a loss to consider of a proper person, and one I co'd recommend, so as that I co'd be sure, he wo'd meet with approbation. The most understanding, and the best qualify'd man I co'd think of, and esteem'd by all those who are acquainted with him, (as such are greatly wanting in the Council) is Richd. Mill Esqr. H.M. Receiver Genll. ; some groundless scruples might be rais'd, as he enjoys that publick employment, but as he has acted by Deputy, and still dos the same, it removes them entirely, but if it did not, I am of opinion that whoever acts in that station, particularly, when he appears to be a man of so much merit, is a necessary person to sit at that Board, and as I am oblig'd under the present necessity, (when there is a stop to all publick business, for want of a quorum), to nominate him in the room of Mr. Bernard, I hope it will not only meet wth. yor. Lordps. approbation, but that you will also be pleas'd, to recommend him, to H.M. ; The want of a Council dos not only prevent me to proceed in that affair recommended to me, of Isaac Miranda *etc.*, but also answering those Queries you were pleas'd to send ; All writs of error, besides a good deal of other publick business, have for this great while been depending, and nothing determin'd, if there be any necessity for any further alterations, I shall certainly send yor. Lordps. as early an accot. of them as I can, and shall in the mean time proceed, wth. the utmost caution, I am capable of, to remove all difficulties, in order to give yor. Lordps. the least trouble in my power, and flatter myself wth. the hopes, that they will lessen every day. I must observe that from the time I have transmitted the bill for perpetuating the laws, and settling the Revenue, the funds specified in them, have fully answer'd (according to my information) all expectations ; I must likewise take notice that there is an ample provision, for the discharging of all the publick debts, and that when collected, for which I am constantly at labour, and in hopes also to get some bill past to enable me the better towards the collecting of them, there will be some considerable overplus ; and if people will have but a little patience, I don't question but that they will be satisfy'd ; That dos plainly appear by the accots. Whatever other objections may be thought proper, to be made to that bill as yet under consideration at home, by what I have heard, but wo'd be tiring yor. Lordps. patience to enumerate, I may venture to say, sevell. of them has been grounded, upon what has been done here without any design, and may be call'd only slips, for want of a due consideration, if not skill, and excuse the expression, a greater stress is laid upon them, than they deserve ; I am almost confident that any alterations from home in that bill, will meet with but inconsiderable oppositions if any, tho' my apprehensions of late are increas'd, in answering too far, for people, whom I have already taken notice of, are so little to be depended upon,

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however no endeavrs. of mine shall be wanting *etc.* *Apologizes* for length of letter, which the variety of subjects and their nature will not give him leave to contract *etc.* P.S. I was in hopes to have sent a perfect state of the publick accots., but for want of a Council, and by the sickness of the Auditor, am prevented, but the Minutes of the Assembly will fully prove that by the provision for discharging the publick debts, after they are all paid, there will be an overplus of above £6,000 *etc.* Signed, Portland. Endorsed, Recd. 22nd, Read 27th April, 1725. 14 large pp. Enclosed,

443. i. Minutes of Council and Assembly of Jamaica, 28th July—13th Nov., 1724, relating to proceedings upon the bill for reviving the laws *etc.* Endorsed, Recd. 22nd April, 1725. 13 pp. [C.O. 137, 16. ff. 37–44v., 46–52v.]

Dec. 30.
Jamaica,
Spanish
Town.

444. Governor the Duke of Portland to the Duke of Newcastle. *Acknowledges* letter of July 30th *etc.* *Thanks* for assurances of his particular regard to his recommendation for the Councillors *etc.*, and *desires* the continuance of his Grace's "favour and assistance in the dispatch of affairs, and particularly in being countenanced at home, which is so necessary here, having to do wth. a strange sort of people. I shall always use my best endeavours to deserve your friendship." *Continues as preceding covering letter.* Signed, Portland. Endorsed, R. 22nd April, 1725. 14½ pp. Enclosed,

444. i. Minutes of Council of Jamaica, relating to the resignation of Mr. Bernard. 1 p.

444. ii. Duplicate of No. 1 supra. [C.O. 137, 52. ff. 95–103 ; 105–112v. ; and (abstract) 93–94.]

[? 1724].

445. The case of Robert Johnson, late Governor of S. Carolina. When the Assembly asked to be taken under H.M. protection, they sent the Governor an Address thanking him for his services, in particular for having in person taken several pirate vessels and declared how earnestly they desired the continuance of his Government. He was at great expense in transporting his family to Carolina as also in going against the pirates, for he declined receiving the perquisites as Admiral, having to encourage the undertaking promised the volunteers all advantages *etc.* Owing to these extraordinary expenses, the small income of the Government under the Lords Proprietors and the short time he enjoyed it, have rendered his circumstances £1,000 worse than when the Government was given him. *Refers* to his father's services as Governor before him. Before that, his father was General of the Leeward Islands, and on account of his salary as General and pay as Captain of an Independent Company there is an arrear of £3,000 due from the Crown to petitioner as his executor. Petitioner's mother and her children

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returning to England from the Leeward Islands were taken by the French, whereby the family sustained a very great loss, they were kept prisoners above a year and used with great severity and hardships under which she died : his brother died in the East Indies Commander of a man of war. Upon his leaving Carolina where his wife and family now are, Col. Nicholson acquainted him that he had desired H.M. leave to return. *Prays* to be appointed to succeed him *etc.* $\frac{3}{4}$ large p. [C.O. 5, 382. No. 40.]

[? 1724].

446. Petition of Jeremiah Dummer, Agent for the Massachusetts Bay, to the Duke of Newcastle. *Refers* to Address of Lt. Governor, Council and Representatives, Dec. 26th, 1723 (q.v.) complaining of the assistance given by M. Vaudreuil, Governor of Canada, to the rebel Eastern Indians. *Prays* that an order may be obtained from the King of France to restrain him, and that H.M. will command all his Colonies on the Continent to contribute to the carrying on the War, and direct the Government of New York to engage their dependant Indians to assist in it. *No date or endorsement.* $1\frac{1}{2}$ pp. [C.O. 5, 10. No. 150.]

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447. *Same* to the Lords Justices. *Prays* for a letter from the Court of France as *in preceding.* *No date or endorsement.* 1 p. [C.O. 5, 10. No. 151.]

[1724].

448. James Colleton to the Duke of Newcastle. Petitions for extension of leave for 12 months from Council of Barbados. $\frac{3}{4}$ p. [C.O. 28, 39. No. 17.]

[? 1724].

449. Petition of Governor Phenney to the Duke of Newcastle. *Prays* that H.M. will provide the Church, newly erected, and the Council Chamber at Providence with a service of plate, furniture for the Communion table, pulpit, desk *etc.* and picture of H.M. Royal person for the Council Chamber *etc.* *Without date or signature.* 1 p. [C.O. 23, 12. No. 86.]

[? 1724].

450. Articles of Governors' Instructions relating to the Revenues. *Copy.* 1 p. [C.O. 5, 1085. No. 51.]

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451. An Apology or Vindication of Francis Nicholson, Esq.; His Majesty's Governor of South Carolina, from the unjust aspersions cast on him by some of the Members of the Bahama-Company, London. Printed in the year 1724. *Explains* the course of the *Duck* sloop, of the seizure of which they complain. Bound from Providence to Jamaica she was to touch at Charles Town for necessary stores, "that is to say, she was to sail 540 miles due North for provisions sufficient to have carried her 480 miles South" *etc.* Though cleared for

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Jamaica, she was really bound to Hispaniola to trade among the French *etc.* *Describes* case of the *Recovery* sloop. *Concludes* with three Appendices, (i) Trial of the sloop *Recovery*, (ii) Copies of Correspondence between Thomas Walker and Col. Rhett, 1721, intercepted by the Governor, and (iii) Memorial of Lt. John Howell to Governor Nicholson, 11th July, 1721, relating to the straits of the garrison of Providence. *v. C. S. P. 1721. Printed. 63 octavo pp. [C.O. 5, 387. No. 50.]*

- [? 1724.] **452.** Memorandum. To desire the Governor of Barbados that Mr. Dodsworth's offices may be executed by deputy in case of his sickness *etc.* *No date or signature. $\frac{1}{2}$ p. Endorsed, Col. Selwyn. Memo. $\frac{1}{2}$ p. [C.O. 28, 44. No. 99.]*
(? Henry Dodsworth Judge of Vice-Admiralty Court Barbados 1724. C. H.)

COLONIAL PAPERS.

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- Jan. 1. **453.** R. Bradley to [*?the Duke of Newcastle*]. May it please your Grace to accept from a stranger so small a present as a dozen of American partridges, which I have sent by the bearer *etc. etc.* 'Tis my great misfortune not to be known to your Grace *etc.*, but my very good Lord Bp. of Durham will give your Grace no very disagreeable character of me *etc.* Heartily wishing your Grace a happy new year, and very many of them and that H.M. may always be blessed with so able and faithfull Ministers as your Grace *etc.* *Dated* 1 Jan. 1724. *But see* 11th March, 1725. *Signed*, R. Bradley. 2 pp. [C.O. 5, 1092. No. 28.]
- Jan. 2. **454.** Governor Burnet to the Council of Trade and Plantations. Has appointed Robert Lettice Hooper to succeed William Trent, Chief Justice of New Jersey, who is dead, *etc.* *Set out*, N. J. Archives, 1st Ser. V. 97. *Signed*, W. Burnet, *Endorsed*, Recd. 24th Feb. 172 $\frac{1}{2}$. Read June 23, 1726. 1 p. [C.O. 5, 972. ff. 103, 106v.]
- Jan. 2. **455.** *Same* to the Duke of Newcastle. *Prays* H.M. confirmation of his appointment of Robert Lettice Hooper *etc.* as preceding. *Signed*, W. Burnet. *Endorsed*, R. 23rd Feb. 1 p. [C.O. 5, 1092. No. 36.]
- Jan. 4. **456.** Mr. West to the Council of Trade and Plantations. Has no objection to the Act of Pennsylvania *prescribing the forms of declaration etc.* *Signed*, Richd. West. *Endorsed*, Recd. Read 8th Jan., 172 $\frac{1}{2}$. $\frac{1}{2}$ p. [C.O. 5, 1266. ff. 154, 155v.]
- Jan. 6. **457.** Robert Armstrong to the Council of Trade and Plantations. *Replies* to complaints against him. Richard Sharp, who falsely accuses him of being a noted Irish Jacobite, is a profligate quack doctor against whom he obtained damages. Capt. Ellis Husk has prompted the other complaints against him in revenge for his having twice prosecuted him for illegally cutting down trees, *etc.* *Signed*, Robert Armstrong. *Endorsed*, Recd. 12th Jan., Read 25th Feb., 172 $\frac{1}{2}$. 6 $\frac{3}{4}$ pp. [C.O. 5, 869. ff. 76-79v.]

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Jan. 8. **458.** Mr. West to the Council of Trade and Plantations. *Reply to 24th Nov., 1724.* I am of opinion that a Governor cannot by law vote as a Councillor in the passing of bills when the Council sits in their Legislative capacity. *Signed, Richd. West. Endorsed, Recd. 12th Jan., Read 18th Feb., 1724. 2 p. Printed, N.C. Col. Rec. II, 558. [C.O. 323, 8. No. 61.]*
- Jan. 9.
London. **459.** Mr. Godin to the Council of Trade and Plantations. *Refers to his Memorial, 16th Dec. 1716, etc.* The objection to our own tar arose because, notwithstanding the debts of the Navy are still unprovided for, the bounty money multiplied so fast by vast importations as to amount to £50,000 a year. He has a project of a law which would reduce this to £25,000 whilst fully encouraging the Colonies *etc.* *Signed, Stephen Godin. Endorsed, Recd. 12th, Read 15th Jan., 1724. 2 pp. [C.O. 323, 8. No. 56.]*
- [Jan. 12.] **460.** Memorial by several merchants in answer to questions concerning tar in the Plantations. The prescribed method is impracticable (*v.* 11th Dec. 1724). The quality is as good as Stockholm. Without a bounty, it will cease to be imported, the difference in freight being 5s. pr. barrel, and labour in the East Country or Sweden not above $\frac{1}{3}$ rd the price of labour in the Plantations. About 12,000 tuns of shipping is employed yearly in importing tar from the Plantations. The price here is regulated by the quantity of Plantation tar at market. *Refer to the former Swedish monopoly etc. Endorsed, Recd. (from Mr. Carey), Read 12th Jan., 1724. 2 pp. [C.O. 323, 8. No. 53.]*
- [Jan. 12.] **461.** Reasons for continuing the bounty on pitch, tar and turpentine from the Plantations *etc.* *Endorsed, Recd. (from Col. Johnson), Read 12th Jan. 1724. 3 $\frac{1}{8}$ pp. [C.O. 323, 8. No. 54.]*
- Jan. 12.
Whitehall. **462.** Mr. Popple to the Commissioners of H.M. Navy. *Encloses petition of merchants (Dec. 11th, 1724) as to methods of making tar, and desires their opinion how far it may be proper to continue premiums upon Naval Stores, and in what proportion. [C.O. 324, 11. pp. 20, 21.]*
- Jan. 13.
Whitehall. **463.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before H.M. *Annexed*
463. i. Council of Trade and Plantations to the King. *Summarize* evidence upon claims of John Burnet and Jeremiah Brown to land in St. Christophers, and offer their opinion "that the persons under whom Mr. Brown claims having continued in possession of the premises about nine years, and

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having during that time cultivated the same, Brown seems entitled to your Majesty's favour preferable to Mr. Burnet, who only obtained a grant thereof for three years, and who does not appear either to have possessed or improved the same." (v. A.P.C. III.

No. 78.) [C.O. 153, 14. pp. 177-184.]

Jan. 14. **464.** Council of Trade and Plantations to the King. Whitehall. Recommend for confirmation Act of Pennsylvania *prescribing the forms of declaration, etc.* [C.O. 5, 1293. p. 341.]

Jan. 14. **465.** Address of Council of S. Carolina to the King. On Council Chamber, Charles Town. Governor Nicholson's departure on leave, thanking H.M. for appointing "a Gentleman of so much experience so conversant in business," and refer to his signal services to the Province and pious donations to their several Churches and his other remarkable acts of charity and piety. Hope for his speedy return. Will support Arthur Middleton, their President, to whom H.E. has left all matters according to H.M. Instructions, in forwarding H.M. interest and service *etc.* Signed, Ra. Izzard, James Kinlock, Wm. Bull, J. Skene, Benja. Schenckingh, Charles Hart, William Gibbon. 1 large p. [C.O. 5, 383. Nos. 6; and (duplicate) 7.]

Jan. 15. **466.** Navy Board to Mr. Popple. *Enclose* their reply to the Treasury upon the same Memorial as that submitted to them by the Council of Trade and Plantations, (v. 11th Dec. 1724) *etc.* *Conclude:* We are humbly of opinion that the following premiums upon Naval Stores may be sufficient reward, after taking off the duty from them, as is already taken off from hemp and timber:—Tar from prepared trees £3 pr. ton; made in the common way, £1 10s. for 3 years and no longer; pitch, £1; masts 14s.; rozin and turpentine taking off the duty alone. All these premiums should continue for 10 years *etc.* The reducing the premiums we are perswaded will cause the merchants and planters in the Collonies to be more industrious and carefull in preparing and sending over such stores as are good in their kind, that they may not be disappointed in the sale of them *etc.* 7 signatures. *Endorsed*, Recd. 16th, Read 21st Jan., 172 $\frac{1}{2}$. 2 pp. *Enclosed*,

466. i. *Same* to the Lords Commissioners of the Treasury. Navy Office, 13th Jan., 1724(5). (v. preceding). The method prescribed for making tar was proposed by this Board to the House of Commons as being that pursued in the East Country, because the tar produced in the Plantations continued to be inferior. Mr. Bridger, then Surveyor General of H.M. Woods in New England, informed us that he had made some tar from trees so prepared in New England

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which was approved by the Officers of H.M. Yard at Woolwich as little inferiour, if not equal to East Country tarr *etc.* Propose that proof made before the severall Governors and Councils should be produced to their Lordships that the prescribed method of making tar (from prepared green trees) has been sufficiently tried and found wanting *etc.* *Copy.* 3½ pp. [C.O. 323, 8. Nos. 57, 57. i.]

Jan. 15. **467.** Council of Trade and Plantations to the Lords Whitehall. Commissioners of the Treasury. *Enclose* Office accounts, Midsummer to Christmas, 1724. There was then six months salary due to the Secretary and other Officers *etc.* Accounts, certified, annexed. [C.O. 389, 37. pp. 245-248.]

[Jan. 16.] **468.** Mr. Godin to the Council of Trade and Plantations. Proposals for regulation of method of making pitch and tar in the Plantations. The first half of the tar drawn out of any kill to be barreled up and imported to Great Britain, the other half, being of a hotter nature, to be boiled into pitch *etc.* *Endorsed*, Recd. 16th, Read 21st Jan., 172½. 2 pp. [C.O. 323, 8. No. 58.]

[Jan. 16.] **469.** *Same to Same.* Replies to queries concerning tar in the Plantations. *Cf.* 12th Jan. *Endorsed as preceding.* 2¼ pp. [C.O. 323, 8. No. 59.]

Jan. 18. **470.** Mr. Wycherley to Mr. Popple. *Prays that* a short Pu ttle Dock. day may be appointed for hearing Thames Shipwrights on their petition (Oct. 19, 1724), by reason 'tis beleived this session of Parliamt. will be but short *etc.* *Signed*, Richd. Wycherley. *Endorsed*, Recd. Read 19th Jan., 172½. *Addressed.* 1 p. [C.O. 5, 869. ff. 72, 73v.]

[Jan. 19.] **471.** Mr. Lowndes to Mr. Attorney General, 2nd Dec., 1709, directing a warrant to be prepared relating to the following. *Signed*, Wm. Lowndes. *Copy.* 1 p. *Enclosed*, 471. i. Earl of Carbery to the Lord High Treasurer. Proposal for the surrender of some lands in Jamaica. (v. C.S.P. 1709. No. 832 i., 846.) *Copy.* 2 pp. *The whole endorsed*, Laid before the Board by Mr. St. Amand. Recd. Read 19th Jan. 172½. [C.O. 137, 16. ff. 1-2v.]

[Jan. 20.] **472.** Petition of William Tosach to the King. Petitioner was possessed of a large dwelling house *etc.* on the Great Beach at Placentia, which was taken up by Lt. Governor Gledhill in 1720, being comprehended within the new fortifications

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etc. Prays to be reimbursed the prime cost of the house, £80 sterl., and damages. (v. Cal. Treasury Papers 1725. p. 343.) Signed, Will Tosach. *Overleaf*,

472. i. H.M. refers above to the Board of Trade for their report *etc.* Signed, Holles Newcastle. *The whole endorsed*, Recd. 22nd Jan., Read 18th Feb., 172 $\frac{3}{4}$. 1 $\frac{1}{2}$ rd. pp. [C.O. 194, 7. ff. 221, 221v., 222v.]

Jan. 20.
South
Carolina.

473. Governor Nicholson to Mr. Delaffay. The Council begg that his Grace would be pleased to lay their Address before his most sacred Majesty *etc.* I am in hopes that neither his Grace nor yourself will be displeased at my presuming to send this Address. Our Assembly are not to meet til the 23rd of next month and I shall (God willing) send copys of papers concerning the same to the Honble. Francis Yonge Esq. upon that accot. I suppose I shall not be able to goe from hence til the begining of May *etc.* I thank God we have had a very extraordinary fine winter which has been a great advantage to the people in their comodities of rice and pitch, and another great advantage is because we have had a great number of ships *etc.* to carry away the country produce which will be another advantage to the trade of Great Brittain *etc.* P.S. I am endeavouring to gett his Grace some Indian curiositys. Signed, Fr. Nicholson. Addressed. Sealed. 1 p. [C.O. 5, 387. No. 52.]

Jan. 21.
Charles
Town,
So. Carol.

474. Same to the Council of Trade and Plantations. Encloses duplicate of 16th Dec. Continues:—I thank God we have had an extraordinary good winter which hath been very well for ye rice and pitch more particularly the later of which great quantitys are made *etc.* Refers to enclosed Addresses *etc.* Continues:—It's supposed that when the other County and Precinct Courts and jurys meet they will do the same. Those who pretend to stand as Members for the ensuing Assembly tell the people that they are against the said petition and for bills because they think that will prevail with the people to choose them. I herewith send yor. Lordps. copys of the papers concerning the late Assembly, by which yor. Lordps. will please to see what hath happened upon that affair for one way or other the Churchwardens did not comply with the law therefore we extracted those directions out of ye Act for the Churchwardens against the next ellection, so I hope there will be no more blunders made by them; this accident I fear will hinder my going to Great Brittain according to H.M. Royal lycence till the beginning of May next, so I shall be the longer debarr'd from paying my duty to yor. Lordps. *etc.* P.S. Refers to enclosed Address. Signed, Fr. Nicholson. Endorsed, Recd. 15th April, Read 18th Nov. 1725. 1 $\frac{1}{2}$ pp. Subscribed,

1725.

474. i. Duplicate of 16th Dec. $\frac{1}{2}$ p. *Enclosed*,
 474. ii. Address of the Council of S. Carolina to the King. Charles Town, 14th Jan., 1724(5). Upon H.E.'s departure, return H.M. "utmost thanks for appointing a Gentleman of so much experience, so conversant in business *etc.*, and for the many signal services he has done to this Province, and pious donations to our several Churches and his other remarkable acts of charity and piety, and as wee could not suffer a more sensible misfortune than by his absence; so we heartily wish his safe and speedy return with your Majesty's royal approbation and favours." *Will support* Mr. Middleton in the administration and H.M. service *etc.* *Signed*, Ra. Izard, Wm. Bull, A. Skene, Char. Hart, William Gibbon, James Kinlock, Benja. Schenckingh. *Same endorsement.* 1 p.
 474. iii. Address of the President and Assistant Judges in the County Court in the parish of St. Hellen and County of Granville and other inhabitants, to Governor Nicholson. Pray H.E. to transmit their petition to the King, to suspend the hearing of the petition against the paper currency *etc.* Beaufort, Dec. 22, 1724. 49 signatures. *Same endorsement.* 1 p.
 474. iv. Address of the Grand Jury for the Wando precinct, 9th Dec., 1724, to Governor Nicholson. The petition of the merchants is an idle thing. The Province cannot subsist if the paper currency be suppressed *etc.* 15 signatures. *Same endorsement.* 1 p.
 474. v. Address of the Justices of the Court of General Sessions, Wando precinct, to Governor Nicholson. 8th Dec. 1724. *Answer* misrepresentations in the merchants' petition. The trade of the Province will be destroyed without a settled paper currency, No complaint was exhibited against it for several years *etc.* *Signed*, Robert Fenwick, Thos. Lynch, Geo. Logan, Thos. Boone, Thos. Barksdale. *Endorsed as preceding.* $3\frac{1}{2}$ pp.
 474. vi. Petition of the inhabitants of the County of Granville to the King. Beaufort, 22nd Dec., 1724. The issue of the paper bills was in no wise the occasion of the rise of the produce of this Province. The merchants can receive no damage from it, for they have advanced their sterling invoices from 700 to 1200 p.c. for these 9 years past, and if Proclamation money be ordered to be the only currency they will gain 200 or 300 p.c. sterling on their prime cost. The Lords Justices orders have been complied with as near as the necessity of the Province would permit.

1725.

Pray that the determination of the matter may be delayed until the case of the Province can be laid before H.M. etc. 44 signatures. Same endorsement. 1 p.

474. vii. Proclamation dissolving the Assembly, 16 of the members elected 2nd Dec., having declared that they were not legally chosen. 12th Jan., 1724 (5). *Signed, Fr. Nicholson. Copy. Same endorsement. 1 p.*

474. viii. Writ for election of Members of Assembly to meet 22nd Feb., 1725. *Signed by the Governor and Council. Same endorsement, Copy. $\frac{3}{4}$ p.*

474. ix. Directions to the Churchwardens of each parish, in relation to their duty pursuant to the Act to ascertain the manner and form of electing Representatives etc. *Same endorsement. 1 $\frac{1}{3}$ pp.*

474. x. Account of H.M. Customs, Sept. 29—Dec. 25, 1724. Charles Town. *Balance brought forward £10 2s. 3d. ; Receipts £10. Expenditure, £8 8s. 1 $\frac{1}{4}$ d. Signed, Thos. Gadsden, Collr. Same endorsement. 2 pp. [C.O. 5, 359. ff. 271, 271v., 272v-280v. ; 281v-283.]*

Jan. 21. **475.** Warrant of the Lords Proprietors of Carolina to
St. James's. the Receiver General for the payment of arrears of salary due to him as Governor of S. Carolina Aug. 1719—May, 1721 etc. [C.O. 5, 290. p. 168.]

Jan. 21. **476.** Lt. Governor Wentworth to the Council of Trade
Province of and Plantations. *Refers to letter etc. of 1st Sept., 1724.*
N. *Encloses six Acts, wch. by mistake were not sent so soon as*
Hampshire. *they ought to have been. Continues :—I put them up in a large book that I had for that purpose, and really tho't I had sent 'em, but upon examination found the mistake, for which omission I ask ten thousand pardons, I assure your Lordships, it was don without any designe. One of the Acts is for a tryaniall Assembly ; it having been granted in some of the Plantations, I put 'em off neer two years, and at length passed it with this savinge claws in the body of the Act, Provided nevertheless that this Act be not in force untill H.M. pleasure be known. Acknowledges letter of 5th Aug. etc. Continues : What I have farther don this winter for the preservation of H.M. woods in New Hampshier I have appointed two rideing officers, vizt., Hugh Banfield and Jonathan Weeks, these men follow the people into the woods at uncertain times with a copy of my Instructions to the Deputy Survayer, and if any be found hawling without the Deputy Survayer's licence etc., he is taken up etc. The second way is, that I have forbid all persons whatever from cutting any green tree, but are only to take such as were fallen for*

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masts and did not prove, others blown down by the wind or fier, which has consumed great numbers, and dry trees that are standing, and to cutt no more nor faster then they hall away that season, there has been greate waste made formerly by falling one yeare for two to come. My Lords, this may do for a year or two to come, but strict ceare and dilligence must be added thereto, but for the future I am at a loss at present, for altho' our people are now kept poor by the war, yet they greatly increas in numbers. I suppose that where there was five yoak of oxen in a pairish ten years past, that there is now fifteen, so that your Lordships may judge what may be don, and will be don, unless more then common ceare be taken more espetially when a winter of snow and frost happens, my officers have found at one place where they think the people have transgressed, if so I shall seize any green logs I finde, and put the Act of Parlimt. in force. We must keep the people to underwood and dry trees as long as possible. The best range of good timber for masts on the whol. Continentant, is what the Province of Mayne calls Barrwick, and I am pretty well assured, that that town is fifteen miles long. There I have noething to do as Servayer, it being out of my power, and Mr. Armstrong had no power to depute, and there the people have layn this winter at rack and manger, as we say. This my Lords with great submition and concern I say it, that were there a Survayer Generall here that knew his duty, and would do it some thousands of good trees might have been saved. I know the Crowne is a greate sufferer for want of that officer being on the spot *etc.* I saide before that the best range of timber that we know of lyes in that part of the Province of Mayne called Barwick. My Lords, were the lynes settled between the two Provinces, that or the greatest part of the choice timber, will fall into Hampsheer, we have the best drafts and informations that possibly obtain and are sent home and in the hands of our Agent, and have been wth. him two years and more, and have desired a settlemt., we shall never adjust it among ourselves. My Lords, I beg leave to say a word about the Northern lyne between us, which begins at the mouth or entrance of Piscataqua River and so runs up Piscataqua river about fifteen miles to a landing place called Quampheagin, and from said landing place North Westerly, which is understood by some ignorant people, and such they were that laide it out, they take it to be to the westward of Northwest, weh. must by everybody that understands a compass know it to be absurd, to pretend to maintain such an argumt. : so that this choice gore of pine trees will soon be destroyed, if the lyne be not run and quickly settled, more then two third parts will lye within that four points of the compass, and in N. Hampshire four or five such winters will carry away the greatest part of that timber. My Lords, I assure your Lordships I have no

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turn in the world to serve, by pressing this matter but its purley and intirely the intrest of the Crown, that has before, and now moves me to have that lyne settled, and am verrey well assured in myself that if some stronger methods be not fallen into, that most trees will in a few years rise thin among us, and I think the first and best expedient, is the runing and settling the lines, and when settled to lay a proabition, on any persons goeing into those woods except it bee for mast trees for H.M. use only, if the people should have another winter in those woods without restriction, and the line not settled they will do greate spoyle on that branch. Therefore I will hope that your Lordships will give directions for the heareing and settling those lines. The Agents on boath sides have had three years time to provide for it. My Lords, As to that part of your Lordships' letter that relates to Mr. Burniston, the only reason why I took the cear of H.M. woods was that Mr. Armstrong Deputy Survayer was goeing to Great Brittan. I desired him to leave the Instructions Mr. Burniston had given him, with me for my better Governmt. : so that I took the cear of the King's woods as Commander in Chiefe of this H.M. Province, and not as Deputy Survayer, I made some proposalls to the Survayer Generall, and assured him that I should take particular cear of H.M. woods, untill I had an answer from home and that I had wrote your Lordships accordingly. I reed. Mr. Survayer's answer, but only in words. It was the duty and obedience I most justly owe to my Sovereign Lord King George, that excited me to do what I had don and still continew to do, and not the reward I expected from Mr. Burniston *etc.* In case a person be sent over that is not knowing in the woods, or a needy man, your Lordships will finde that four or five years time, will bring good masts to be very sceirce and a difficulty to get a ship load. The running the lines between the two Provinces and a sutable person for Servayer of the Woods, are the only two expedients to make the pine trees a lasting advantage to the Crown, its high time to put some stop for, if the people were not restrain'd they would cutt seven logs to one that was cutt six or seven years past, occasioned by the increase of the people and the number of saw-mills *etc.* The takeing of money from the people for the liberty to hall was a vile practice, and what confounded many a good tree. I never took a sixpenny piece for liberty to cutt or hall any timber *etc.* I wrote your Lordships some time past that a number of us was comeing into a Compa. to promote the raising of Navall Stores, but the war with the Indians cramp't us, and we have lately lost one of our principle studs vizt. Governor Saltinstall of Conecticut, a fine gentleman and forward in that affair. I hope a ps. with ye. Indians will bring it on again. *Signed, Jno. Wentworth. Endorsed, Recd. 24th March, Read 1st Dec., 1725, Holograph. 4 pp. Enclosed,*

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476. i. Account of gunpowder expended and stores of war at H.M. Fort William and Mary at Newcastle, 28th May 1723–1724. *Signed*, J. Wentworth, Lt. Gov. 4 pp. [C.O. 5, 869. ff. 212, 213–214v., 215v.–217v.]

Jan. 22. **477.** Mr. Popple to Anthony Balam, Inspector General of
Whitehall. Customs. Asks for an account of imports and exports of New
England, Christmas 1720–1723. [C.O. 5, 915. p. 430.]

Jan. 24. **478.** Governor Worsley to the Duke of Newcastle. *Refers*
Barbados. to case of Jean Garraud and Tobago, (v. 16th Nov.). *Continues*:
On 23rd Dec. Capt. Gabaret Commander of a French man of
war of 44 guns called the *Nereyde*, came hither, he had with
him a sloop with about eighty hands on board, and, besides the
sailors in the man of war, and sloop, there were about 100 Swiss
of the Garrison of Fort Royal in Martinico, he sent his boat a
shoar with an officer to me desiring leave to cast anchor, which
by the Treaty of 1686 I told him I could not do, but he coming
immediately afterwards and acquainting me that some of his
rigging had suffered in the night, desired to have liberty to
mend it, I then told him, by the said Treaty, he might, and
should have all the assistance I was able to afford him; he stayed
here a week and when he designed to have sailed, he sent an
officer to me with a letter *etc* (*enclosed*). By the word visitter
your Grace will see the French pretend to a right to Tobago,
and therefore I answered him as I thought it was convenient
upon this occasion. Since his departure I am informed he
told a Gentleman he was going to Tobago to set up the King of
France's standard. And when the French King's men of war
come to Martinico, as one generally does every six months, for
none stays above that time, they always visit that Island, as
the French Ambassador says in his Memorial, 2nd Nov. 1699.
The island of Tobago is esteemed the most fertile of all the
Charibbees, but then it is not naturally fortified, for they may
land almost on any part of it; so that since the French continue
their pretensions to it, few people will attempt to settle it, till
the reciprocal pretensions of both Crowns are adjusted; or
it must be done by a body of men able to defend it, for as this
Island decreases daily in the number of its white inhabitants,
it will hardly be possible to have much help from hence. An
accident has lately happened here on which I begg the honour
of H.M. commands. The 4th Dec. last the *St. Christophers*
galley James Newth Commander, sailed out of this port, and
the forts fired some random shott at her to bring her to, in that
she had not put up the proper signal that was given her, or
any other, which is to shew she has cleared in all the Offices,
and had liberty to depart, the Master instead of bringing to,
hoisted more sail, whence a matross of James's Fort, suspecting

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she had done something irregular (as they often do in this part of the world, one about twelve months ago attempting to carry away a Custom house Officer) fired a shott into her when she was about two miles off, when he happened unfortunately to kill the mate and wound another man; the vessel immediately returned into port, and assoon as the Master informed me of it, I enquired into the fact, upon which I found she had not put up her signal, the Master complaining, it was not a proper signal, being a tarpaulin hoisted upon the flag-staff, and tho' I found such signals had been sometimes given, and had been put up, nevertheless as I thought it a very improper one, that there might be no such precedent for the future, I suspended the Captain of the fort, for some time; however if the Master of the vessel did not like the signal, he ought not to have gone under sail 'till he had got another, and ought to have brought to upon the fort's firing. The difficulty at present I lye under is to know whether and where the matross that fired the shott from James's fort is to be tryed, or what Court can take cognizance of it; the person that was killed by a gun shot from the shoar was upon the high sea two miles off of the shoar, where I apprehend my jurisdiction does not extend, and H.M. Attorney General here is of the same opinion. I ordered him to examine several persons upon oath *etc.* *Refers to their depositions enclosed.* Signed, Henry Worsley. Endorsed, Rd. April 23. 9 pp. Enclosed,

478. i. M. Gabaret (v. *preceding*) to Governor Worsley. *Neryde*, 12th Jan. (N.S.) 1725. *Takes leave with compliments*: Si vous aviez, Monsieur, quelque chose à m'ordonner pour les Isles de la Trinité, et de la Marguerite, où j'ai dessein d'aller après avoir visité Tabac," *etc.*, I would faithfully fulfil it *etc.* Signed, Gabaret. *French. Copy.* 1½ pp.

478. ii. Governor Worsley to M. Gabaret. Pilgrim, 1st Jan., 172½. *Reply to preceding.* As you intend to pass Tobago, with the government of which I am honoured by the King my Master, I regret that it is not yet sufficiently well peopled, for in that case I should have given instructions for you to be received there as you deserve. Signed, Henry Worsley. *French. Copy.* ¾ p.

478. iii. Deposition of Benjamin Alford, Matross at Needham's Fort, Barbados, 23rd Dec., 1724. *Testifies to the use of the tarpaulin signal etc. referred to in covering letter.* Signed, Benj. Alford. *Copy.* 1 p.

478. iv. Deposition of Joseph Viguers, Matross at Needham's Fort. 23rd Dec., 1724. *Corroborates preceding.* Signed, Joseph Viguers. 1 p.

478. v. Deposition of Robert Webster, Gent. 5th Dec., 1724. James Newth laughed when he was told what

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- the signal was he was to show *etc.*, but did not ask for any other. (*v. covering letter*). *Describes* the firing on the *St. Christopher's* galley. *Signed*, Robert Webster, *Copy*. $2\frac{1}{4}$ pp.
478. vi. Deposition of Richard Stear, merchant, passenger on board the *St. Christopher's* galley. 5th Dec. *Corroborates following*. *Signed*, Richd. Stear. *Copy*. 1 p.
478. vii. Deposition of James Newth. 5th Dec., On getting his licence to sail, deponent asked the Capt. of Needham's Fort what signal he should show upon sailing, who told him he might show a tarpaulin, if he would. Whereupon deponent gave the sd. Captain a touch on the cheek and said, What do you talk of tarpaulin? After he was fired on, from Needham's Fort, he ordered his ensign, which was then flying, to be struck. Presently after a shot from Willoughby's Fort struck the vessell and shot of the right knee of his mate and wounded a mariner *etc.* *Signed*, James Newth. *Copy*. $2\frac{1}{2}$ pp.
478. viii. Deposition of William Webster, Capt. Gunner of Needham's Fort. 5th Dec., 1724. Deponent told Newth to hoist a tarpaulin as signal that he had licence to sail. It has been usual for all masters of vessels to hoist this signal, as directed for this end by the Commanding officer of the Fort; and for a shot to be fired to bring to vessels that did not show such signal. Five shot were fired from Needham's Fort, to bring the *St. Christopher's* galley to, but did not hit her. She was sailing without any signal, and continued sailing out to sea and more sail was hoisted. *Signed*, Wm. Webster. *Copy*. $1\frac{3}{4}$ pp.
478. ix. Deposition of Benjamin Crocker, bricklayer. 5th Dec. *Corroborates Nos. v.-viii.* *Signed*, Benja. Crocker. 2 pp.
478. x. Deposition of George Wilson, matross of Needham's Fort. 22nd Dec. *Corroborates No. viii* as to the customary use of this signal. *Signed*, George Wilson, *his mark*. *Copy*. 1 p. [C.O. 28, 44. Nos. 91, 91. i-x.]

Jan. 24. **479.** Governor Worsley to the Council of Trade and Plantations. Duplicate of preceding covering letter. *Signed*, Henry Worsley. *Endorsed*, Recd. 12th, Read 13th April, 1725. 9 pp. *Enclosed*,

479. i.-x. Duplicates of enclosures i-x in preceding. *Endorsed*, Recd. 12th April, 1725. [C.O. 28, 18. ff. 135-139, 140v.-144, 145, 147, 147v., 149, 149v., 151, 151v., 153, 155, 157, 159v.]

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Whitehall.

480. Council of Trade and Plantations to the Lords Commissioners of the Treasury. *Report* upon petition of dealers in tar (*v.* C.S.P. Dec. 11th, 1724). Notwithstanding the petitioners complain of the method for making tar prescrib'd by an Act of Parliament pass'd in the 8th year of H.M. reign as impracticable, and aver, it has been found to be so by experience, yet it dos not appear to us that sufficient tryals have been made of this method to warrant such an assertion; for altho' we were attended by many persons dealing in tar, upon this occasion, yet no one of them except Colo. Spotswood was able to declare upon his own certain knowledge that this new method had been try'd without success, but on the contrary we have reason to believe that Mr. Bridger did make tar from trees prepar'd in the manner prescrib'd by the said Act in New England, which was found to be clear of the objections generally made to the Plantation tar; and we do likewise find in the books of our Office, that this method is agreeable to the manner us'd in making of tar in Russia as appears by a letter to this Board from the Lord Whitworth, when he was Ambassador to the Czar, *etc.* 12th April, 1712. And therefore notwithstanding the Planters either for want of skill, or to avoid any new expence, are unwilling to comply with the directions of the Act in preparing their trees, yet we are of opinion that altho' it may be thought reasonable to permit the Planter to continue the making of tar in the same manner as they might have done before the Act of the 8th of the King, yet it would be convenient to give incouragement for trying of the new method, which may be done by allowing larger premiums for tar made in the manner prescrib'd by the Act than for that made in the common way. *State* present premiums allowed, which, except that on hemp which is prolonged for 16 years, will expire the next Session of Parliament, and great complaint having been made of the charge these premiums have brought upon the publick; as we have consider'd on the one hand how important it is to the trade and navigation of Great Britain, that we should be furnish'd with Naval Stores from our own Plantations, and not depend upon foreign markets for so necessary a supply; so on the other side, we think it our duty to propose to your Lordships to reduce the present premiums to much lower rates, and to leave no further charge upon the publick than may be necessary to compensate the planters for the difference between the freight from Sweden and that from the Plantations, with some little allowance likewise for the dearness of labour in America; and we are of opinion that 40s. pr. ton upon tar and pitch made in the usual manner, for the future, may be sufficient; and to encourage the making thereof in the method prescrib'd by the Act of the 8th of the King, a further premium of 20s. a ton be allow'd on tar certified to be made in this method, but for what term the same may be continued, we submit to your Lordships. This

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reduction (*from* £4) we conceive, will not only save great sums of money to the publick, but will likewise oblige the planters to take more care in the making of them, for they must for the future depend more upon the instrinsick value of the commodity, than upon the advantage of the premiums. We observe the petitioners take no notice in their petition either of rozin, turpentine, masts yards or bowsprights, but as these are likewise Naval Stores, and have an immediate connection with pitch and tar, we judged it proper to give your Lordships our thoughts upon them on this occasion. There is very little rozin or turpentine now made anywhere, but in the British Plantations, and consequently they will need no further præmiums; and we apprehend, no very great charge can accrue to the publick by continuing the present præmiums on masts, yards and bowsprits. [*C.O.* 324, 11. *pp.* 21–28.]

Jan. 26. **481.** Council of Trade and Plantations to the Duke of Whitehall. Newcastle. *Enclose* copy of letter from Governor Worsley (16th Nov. 1724), “wherein are contained two matters that will deserve H.M. consideration; the first, relating to the behaviour of the Capt. of the *Lynn*, station’d on that Island and the other concerning an intention the French have to dispute H.M. title to Tobago, as they have already done that to Sta. Lucia; We intreat your Grace to lay this matter before H.M. without loss of time, that the necessary orders may be given for preventing these unreasonable encroachments of the French upon the Brittish Dominions in America.” *Autograph signatures.* 1 $\frac{3}{4}$ *pp.* *Enclosed.*

481. i. Copy of Gov. Worsley’s letter 16th Nov., 1724.

481. ii-iii. Copy of Petition and Information of John Garraud :
v. 16th Nov., 1724.

481. iv. Copy of information of Francis Chevalier *etc.*
v. 16th Nov., 1724.

481. v. Copy of deposition of Stephen Charnock *etc.* v. 16th Nov., 1724.

481. vi. Copies of letters from Captains of H.M. ships 1715–18. v. Nov. 1724. [*C.O.* 28, 39. *Nos.* 19, 19 i-vi; and (*without enclosures*) 29, 14. *p.* 407.]

Jan. 26. **482.** Memorial from Bristol merchants to the Council of Trade and Plantations. The restrictions as to making tar in the Plantations cannot be complied with, and therefore the importation thereof ceases, and the advantage will be reaped by foreigners, the French having begun to make tar and pitch at Merville *etc.* Unless the bounty be continued or the greatest part of it on its importation, we must go to foreign nations for these commodities with bullion; it will hinder a great consumption of our woollen and other manufactures and greatly lessen

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the employment of our Navigation, and be a vast discouragement to H.M. subjects in No. America. *Signed*, on behalf of the Society of Merchants of the City of Bristol, John Becher, Will. Jefferies. *Endorsed*, Recd., Read 26th Jan., 1724 $\frac{1}{2}$. $\frac{3}{4}$ p. [C.O. 323, 8. No. 60.]

Jan. 27.
Bermuda.

483. Lt. Governor Hope to the Duke of Newcastle. *Acknowledges* Additional Instruction, 1st Aug., 1724, received some days ago. *Continues* : And as I am acquainted from home, that amongst other acts of extraordinary natures, pass'd by H.M. Governors, an Act pass'd here laying a duty upon merchandize imported was one of the chief reasons which has occasion'd this Instruction *etc.*, I beseech your Grace to believe, that if in this point I have err'd, it was the constant practice of preceding Governors, founded upon the 23rd Article of H.M. Instructions, which has misled me. For that Instruction does except "Acts for raising a publick revenue, for defraying the necessary charges of the Government" from such a restrictive clause. This Act, my Lord, I did consent to, with a design to repair the fortifications (now in ruins) as by the Act itself does appear ; and it was not without the opinion of the British traders, that I did so. The constant funds are very small, as may appear by the publick accounts, and by the present state of this country, by me transmitted to the Lords Commissrs. of Trade in answer to 17 queries *etc.* These funds never amounted to £400 pr. annum ; and when I arriv'd here, the publick was indebted above £1500, which is now all paid off, except what is due to the Governor for his additional salary. These funds are not sufficient to defray the currant expence of this Government : However, I shall pass no Act whatsoever, until I have receiv'd H.M. pleasure, by your Grace, to the following petition : vizt., Whether H.M. will be graciously pleas'd to allow the inhabitants of Bermuda to lay a duty upon platt, being the only produce and manufacture of these Islands ; a duty not exceeding 5 p. cent. *Refers to his letter of 20th March etc. q.v.* *Continues* :—Since the nature of this place is such, that trade only, is the thing that can support the expence of the Government ; and that all commoditys imported, are forbid to be tax'd : I say, my Lord, I cannot but in reason recommend it to your Grace, as a modest demand of a willing people, to tax themselves in the only substantial branch they have that is capable to bear it : and this has been granted to Barbado's, the Leeward Islands *etc.* and I must own, my Lord, that this tax is what I wou'd have recommended more earnestly long before now, had I not foreseen the opposition it must meet with from the British traders to this place. I do not mean these pedlars led on by one Jones *etc.*, but the merchts. of London, and the British traders here ; who pay a duty of 20 p.c., ad valorem, at home, upon the importation thereof *etc.* *Refers to Minutes of Council for evidence of*

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the seditious and turbulent practices of Jones and his son *etc.* I shall only beg leave by one instance to show to your Grace, to what a pitch of presumption and insolence, this young fire-brand is arriv'd at. Upon 5th Oct. last, a snow called the *Resolution* arriv'd here from London, and immediately thereafter, Mr. Jones publish'd that H.M. Order in Council, for the repeal of the 4 and 2 pr. cent. Act, was arriv'd ; with shrew'd insinuations, that it was in the Governor's custody, who was keeping of it up, for reasons of State, as he was merrily dispos'd to term it. My Lord, the Order was arriv'd ; but it is plain that I knew nothing of it, till about two months thereafter, that Mr. Jones found himself in the humour (when the Chancery Court was sitting) to demand admittance, where, with a good deal of insolence and pride, he deliver'd H.M. Order, and a letter from five men in London (to whom the Order it seems was intrusted ;) none of whom I ever heard of, except the infamous sire of him, who some months ago took the freedom to send me a threat'ning message ; which now indeed in some measure he has made good : as also the wicked design (already mention'd) which for these 20 years he has labour'd at, in order to bring this Colony into confusion and distraction ; and that in revenge as he calls it, for the support by them given to Mr. Bennett their late Governor ; who suspended him *etc.* (*v. C.S.P. supra*). Your Grace may easily believe, that at the sight of H.M. Order (there being no vessel arriv'd here, for two months before) that it was but necessary to enquire where it had been all this while ; and young Jones being asked, did give equivocal answers ; I therefore order'd him to declare it upon oath : to which oath my Lord, I beg leave to refer your Grace ; for there he owns that it was in his own custody, and the reason why he did not deliver it, was, because his ship *Salamander* was under seizure for illegal trade. I must own my Lord, that at first, I did not suspect this creatures views, to have any other butt, than the vanity of insulting over this little Government. But the petition of the Collector of the 4 and 2 pr. cent. tax, presented to the Governor in Council, makes it plain that his intrigues are deeper laid : For he has not only declar'd, that all the money rais'd by vertue of the aforesaid Act, is an imposition ; But that he will pay none himself (as he never has done any tax, till put in prison, on purpose to get ground for a complaint) : and he has so poison'd the people, by having now twice been the minister of H.M. will and pleasure as his partisans term him, to whom he did communicate H.M. Order upon the receipt of it. I say, My Lord, the credit which this has given him, makes anything that he says, believ'd, by an ignorant people, who at best, don't well digest anything that comes from authority ; that we are at present in some disorder about the payment of that tax, as will more fully appear by the aforesaid petition, and the Minute or Order of Council thereupon, directing

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the exaction thereof, in the terms specified in my Commission as Lieut. Governor. And it is very necessary to acquaint your Grace, that first when the Collector of that tax, did advertise me of the opposition design'd by that seditious creature and his party; I order'd the Council to meet, on purpose to have suspended all payments, until I shou'd have receiv'd positive directions thereupon, of H.M. pleasure therein: But the unanimous advice and opinion of the Council being "That if I did, it wou'd be in vain for the future, ever to expect that any tax cou'd be collected here, without prosecutions and law-suits," and the clause of my Commission being positive, "that all laws and statutes made here, and disallow'd or repeal'd by H.M., and so signified to the Lt. Governor, or to the Commander in Chief for the time being, shall from thence become void *etc.*" For these reasons My Lord, I say, I did alter my opinion; and the aforesaid order of Council was pass'd: which nevertheless shall be tenderly manag'd, till further orders from your Grace *etc.* *Refers to* his account of Jones and the *Salamander* case, 20th Nov. *Continues*: And whereas I have receiv'd a letter of thanks, from the Commissrs. of the Customs for my behaviour in that affair: as likewise copys of cocquetts pretended by this Jones to have been taken out for those goods; I shall only here beg leave to refer your Grace to the tryal of that ship, where by the comparing of these pretended cocquetts, with the original invoice, and goods condemn'd, the fraud will manifestly appear *etc.* *Refers to* letter of Nov. 25th, 1724, for his reply to "Bermudas Justice." *Continues*: I have now the bitter mortification to know, that that paper has been laid before H.M. in Council, with an Additional aggravation of my tyranny: As that, during the tryal of the sloop *George and Elizabeth*, John Hope Esqr. Govr. did send an Order to the Judges, (which was read in Court) commanding them to condemn the sloop. My Lord, All the favour I ask is but the same indulgence which my contemptable accusers have already been gratified with, which is, that since the Bermudas Justice has been read before H.M. in Council; that my answer to it, may likewise be read, for there is nothing in it but truth, and a little ridicule. I intreat likewise that my letter of 25th Nov., may be read. And if it be your pleasure, this which I now write; as likewise the declaration made (before the Council) by the two Judges of the Admiralty; by the Attorney General; and by the Register of that Court; and by the two Lawyers, who were the Council in that tryal for the master of the aforesaid sloop, in reference to that notoriously absurd assertion, which I am sorry to find has produc'd a severe Order of Council against me; of which I anxiously wish for the arrival, that I may know my accusers, and the nature of the complaint: and till that happens I intreat all the papers related to in this letter may be perused by the proper persons: as likewise some other papers

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which the bearer is charged with, which are materially necessary for the better understanding of the nature of this Colony. The ship he comes in, is that very vessel condemn'd here for illegal trade, formerly call'd the *Salamander*, but now the *Express*; bought and fitted intirely at my expense, on purpose to put this Gentleman ashoar upon the first English land, with orders there to wait your Grace's commands in answer to this, and immediately after receipt thereof, to return. *Signed*, John Hope. *Endorsed*, Rd. pr. Mr. Aytoune. Mar. 29th, 1725. 9 pp. [C.O. 37, 28. No. 25.]

- Jan. 27. **484.** *Same* to Mr. Popple. Encloses copy of preceding for the Board's information. *Expresses concern at H.M. additional Instruction 1st Aug., and urges the difference between the 5 p.c. and the 4 and 2 p.c. Acts etc. Concludes: Mr. Jones and his son may tell you with pleasure, what I do now with trouble and regret; that this Colony is at present in distraction; as will plainly appear by the papers Mr. Aytoune the Collector brings along with him: I recommend him to your favour. Signed*, John Hope. *Endorsed*, Reed. 25th March, 1725, Read 30th June, 1726. 2½ pp. *Enclosed*,
 484. i. Duplicate of No. 483. [C.O. 37, 11. ff. 219–225v.; and (abstract of covering letter), 37, 24. ff. 26, 27.]

- Jan. 28. **485.** Council of Trade and Plantations to Lord Townshend. Whitehall. Enclose following to be laid before the King. *Annexed*,
 485. i. *Same* to the King. *Representation upon the Shipwrights' petition*, Oct. 19th, 1724, q.v. We have good reason to believe, the number of shipwrights in Great Britain is diminish'd one half since 1710. This diminution is chiefly owing to the great number of ships built annually in your Majesty's Plantations; but particularly in New England. The said ships being sold very much cheaper than those built in Great Britain, and being intituled, as the Law now stands, to all the privileges of British ships, few are now built in Great Britain, altho' it [is] well known that our home built vessells exceed those of the Plantations both for duration and goodness. All persons concerned in trade, endeavour to navigate upon as easy terms as they can, and consequently the interest of the merchants upon this subject interferes with that of the shipwrights, which renders it very difficult to apply a proper remedy. However, considering of what importance it is to your Majesty's service, and how necessary it is for the security of your Majesty's Dominions, that there should be a sufficient number of shipwrights in Great Britain allways at hand to equip any number of your Majesty's ships upon a

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sudden emergency, we conceive it necessary that something should be done for the encouragement of so usefull a body of your Majesty's subjects. Many expedients have been propos'd to us for this purpose, but attended with inconveniencies; the method which seems to us least liable to objection, is, that of laying a duty on all Plantation built ships sold in Great Britain, and afterwards employ'd in foreign trade; and we would humbly submit to your Majesty, whether a duty of 5*sh.* pr. ton upon ships, might not be thought reasonable to balance the inequality between the present prices of the Plantation and British built ships, and thereby to remove some of the difficultys, the British shipwrights at present labour under. [C.O. 5, 915. pp. 430-433.]

Jan. 28. **486.** Mr. Carkesse to Mr. Popple. *Encloses following.*
 Custom Ho. The Commissioners of the Customs desire the Board to enquire
 London. into the matter and be a means that the grievance complained of be redressed *etc.* Mr. Gale is ordered to attend them. *Signed,*
 Cha. Carkesse. *Endorsed,* Recd. 1st, Read 2nd Feb., 172 $\frac{1}{2}$. 1 $\frac{1}{4}$ pp.
Enclosed,

486. i. *Memorial of Christopher Gale to the Commissioners of H.M. Customs.* Memorialist has executed the office of Collector within the port of Beaufort, N. Carolina for two years. He had prepared the last quarterly accounts in order to be proved before George Burrington (the Deputy Governor) but before he had the opportunity to offer them, the said Governor insulted him in a public Court then in the execution of his office as Chief Justice (which office he hath executed for near 20 years with the general approbation of all persons). A few days after he attempted to break into his house with intent to murder him, so that he was obliged to leave the Government and his office *etc.* He knows of no reason for such behaviour, unless it be for his supporting the Naval Officer and Collector of Customs in the port of Roanoake and advising them when applied to as Chief Justice, for the interest of H.M. Revenue and support of trade, when they were the one of them imprison'd and the other publicly threaten'd and insulted for only doing the duty of their office. *Instances* a seizure made in the Port of Roanake by the Governor himself of a Boston vessel on July 15th for illegal entry. After keeping her for two days he discharged her of his own authority without trial *etc.* *Copy.* 1 $\frac{1}{2}$ pp.

486. ii. *Deposition of Christopher Gale.* London, Jan. 26, 1724(5). The Governor at his first arrival, near two

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months before he saw deponent, gave out several menacing speeches against him, saying he would slitt his nose, crop his eares, and lay him in irons *etc.* At the last General Court he grossly reviled Deponent, and his abusive interruptions caused the Court to be adjourned, ever since which he has continued to revile him, whereby his authority is weakened *etc.* Early on Sunday morning 23rd Aug., the Governor attempted to break into his house in Edenton with intent to murder him, to the very great terror of his family, but finding he could not break open the door, he broke the window all to peices, cursing and threatning him, that he would have him by the throat speedily, and burn his house, or blow it up *etc. etc. as preceding.* Signed, C. Gale. 1 $\frac{1}{4}$ pp. [C.O. 5, 1266. ff. 156-158v., 161v.]

Jan. 29. **487.** Lt. Governor Drysdale to the Council of Trade and Wmsburgh, Plantations. *Encloses* Minutes of Council and has little else in Virga. to add *etc.* *Continues:* In order to discover how farr the late Act of Assembly for improving the staple of tobacco was like to affect the trade, I have caused exact acts. of all the tobacco planted last summer thro'out the Colony to bee returned to mee, and am thereby convinced that if no misfortune had happened to last years cropp, itt would under the present regulation have exceeded in quantity that of either of the 2 preceding years; and even tho' the season for planting proved very unfavourable by an uncommon drought in the beginning of last summer and tho' it will appear by the abstract here inclosed that the people nowhere tended the full number of plants allowed by that law, yett there would have been upwards of 34,000 hogsheads made for export, and that of the best kind that any year has produced, had not that violent storm which happened the 12th of August almost wholly destroy'd all the tobacco then on the ground, and thereby prevented the demonstration of the usefulness of that act, which would otherwise have been evident both in the quantity and goodness of the tobacco made under that regulation: nor has the storm affected onely the cropp of tobacco, but the country suffers very much for want of corn, so that it has been thought necessary to prohibite by proclamation the export of grain with which the West India Islands and some of the Colonys on the Continent used formerly to bee supply'd from hence: But I hope the next years experience of the benefitts which the trade will reap by the new regulation in tobacco law, will plead for H.M. approbation for itt's continuance. I shall bee glad to receive your Lordshipps comand concerning the lands in the two new erected counties, as soon as your conveniency will permitt, since the rise of the price of tobacco, will incline the people more and more to take upp new

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ground, whereby they may expect a more profitable return of their labour, than in their old impoverish'd settlements *etc.* *Refers to enclosures. Signed, Hugh Drysdale. Endorsed, Reed. 14th April, Read 26th Aug., 1725. Holograph. 3 pp. Enclosed,*

487. i. Account of H.M. revenue of 2s. per hhd., 25th April–25th Oct., 1724. *Totals:* (including balance brought forward of £3583 9s. 1½d.) £5759 1s. 7d. *Expenditure, £1793 12s. 0¼d. Signed and sworn to in Council, John Grymes, Recr. Genll. Audited by Nathl. Harrison. Endorsed, Reed. 14th April, 1725. 2 pp.*

487. ii. Proclamations by Lt. Governor Drysdale, (a) 17th Oct., 1724, proroguing the Assembly to 14th Jan., (b) 27th Oct., 1724, for publishing repeal of Act for laying a duty on liquors and slaves, (c) 27th Oct., 1724, prohibiting the export of Indian corn *etc.* (d) 9th Dec., 1724, proroguing the Assembly to 13th May. *Same endorsement. 4½ pp.*

487. iii. Account of tobacco planted and tended in Virginia in 1724, pursuant to the Act for the better and more effectual improving the staple of tobacco. *Totals* (of numbers given by counties):—Tithables, 43,877; tithables employed in tobacco, 39,904; boys allowed to tend 3000 plants, 6,769; plants tended, 188,018,960; hogsheads of Aronoco tobacco at 600 lb. to a hogshead and 8 plants to a lb., 17,732; hogsheads of sweet-scented tobacco at 700 lb. pr. hhd. and 8 plants to a lb., 17,252. *Same endorsement. 1 p. [C.O. 5, 1319. ff. 212–214v., 215v., 216, 217–219, 220, 220v.]*

Jan. 29. **488.** Mr. Popple to Mr. Burchett. *Encloses* extract of Whitehall. letter from Governor Worsley (Nov. 16) relating to Capt. Cooper. [C.O. 29, 14. p. 408.]

Jan. 30. **489.** Duke of Newcastle to the Governor of the Leeward Whitehall. Islands. I send you by the King's command, the inclosed petition *etc.* As it seems reasonable that petitioner should have a proper opportunity of making her defence, with liberty of appealing *etc.* you are to consider the justice of the case, and act therein according to the laws and usage of the Leeward Islands. *Signed, Holles Newcastle. Annexed,*

489. i. Petition of Sarah Houblon, spinster, executrix to Wynne Houblon Esq. decd. *Recounts* proceedings in relation to a plantation in Nevis formerly belonging to James Houblon and John Ward, and bequeathed to petitioner by Wynne Houblon in 1714. John Ward, jr. brought an action against petitioner in 1721, on a pretended bill of sale for 26 negroes in connection with a contract between his father and James Houblon

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13 years before, which contract had been annulled. Ward having retained all the lawyers at Nevis, petitioner was obliged to send for a lawyer to Antigua. Ward suffered himself to be non-suited, and some time afterwards commenced another action, to which petitioner pleaded, but before her lawyers could come to Nevis, Ward procured the cause to be tryed and obtained judgment against petitioner by default for 18 negroes, besides damages and costs. Petitioner thereupon filed a bill in Chancery at Antegoa against Ward to be relieved against these proceedings, and petitioned the Governor for an injunction to stay execution, which was denied, and Ward carried off the negroes *etc.* Petitioner petitioned H.E. for a day for hearing her cause, but could not prevail with H.E. to grant the same. Ward's circumstances being very low it is feared he will sell the negroes and abscond, which will entirely ruin petitioner's plantation. *Prays* for directions that she may have an opportunity of making her defence in the said island and of appealing therefrom, if she shall think herself grieved, *etc.* [C.O. 324, 35. pp. 101-106.]

Feb. 1. **490.** Lt. Governor Hope to the Duke of Newcastle. This
Bermuda. will be delivered to your Grace by Mr. Aytoune, (Collector of the Customs here), whom I have sent express *etc.* *cf.* 27th Jan. *Signed*, John Hope. *Endorsed*, Rd. June 7th. 2 pp. [C.O. 37, 28. No. 26.]

Feb. 2. **491.** *Same to Same.* I send your Grace inclos'd a copy of
Bermuda. this days Minutes of Council; in order for your Grace's more distinct information, of the barbarous and inhuman treatment I have receiv'd from a knott of pyrates; who I find have endeavour'd my destruction, because that I have put the laws and H.M. Instructions in execution upon them. The vessel is now under sail, and I do with the greater assurance allow her to depart, because that Her most sacred Majesty's Orders, directing me to make answer to the complaint of Samuel Eveleigh, is now in my custody: which my complaint, my Lord, I have already answer'd in all respects, and particulars, (I hope) to H.M. Royal satisfaction, and in justice to myself. There are two things in the complaint which I have not answer'd; because I saw it not till this morning: But both the charges laid to my door, I do own and acknowledge to be true. (i) That Ebenezer Wyatt was prisoner in the guard; and (ii) that the condemn'd sloop did one half of her belong to me, when she went to the Bay of Honduras *etc.* *Defers further reply* to these frivolous charges till he send formal reply to every article *etc.* *Continues*: I have order'd the Council to meet me to-morrow, in order to

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read the rest of the papers inclos'd in that pacquett (now under seal) that I may thereby, send your Grace copys of them *etc.* This Jones has now push'd his revenge and sedition to that height, that it's absolutly necessary for me to put the severity of the laws, and the power H.M. has been pleas'd to intrust me with, in execution against him. Which if it happens, I beg your Grace will be pleas'd to support me in, *etc.* P.S. Twelve a clock at night. Since I sign'd the above letter, the sloop *Hannover* Capt. James Seymour Commander arriv'd here from St. Christophers, having on board Adam Wood, Cabin boy of the sloop *George and Elizabeth*; who it seems has been trusted with the original of H.M. Order in Council abovemention'd; and I shall only beg leave to refer your Grace to his own voluntary declaration upon oath (here inclos'd) upon my asking him to deliver it to me. I wish to God the honour that this cabin-boy is now dignified with, had been thought proper to be intrusted to my fidelity; But it is my duty to obey *etc.* *Signed,* John Hope. *Endorsed,* Rd. pr. Mr. Aytoune, Mar. 29th, 1725. $3\frac{1}{2}$ pp. *Enclosed,*

491. i, ii. Minutes of Council of Bermuda, Feb. 2, 1725, relating to Adam Wood and Edward Jones referred to in preceding. [C.O. 37, 28. No. 27 (covering letter only); and (enclosures only); 37, 26. Nos. 31, 32.]

Feb. 2. **492.** Mr. Popple to Mr. Scrope, Secretary to the Treasury. Whitehall. Encloses copies of papers from Sir W. Keith, relating to the seizure of the *Fame*, to be laid before the Lords Commissioners of H.M. Treasury. [C.O. 5, 1293. pp. 341, 342.]

[Feb. 4.] **493.** Petition of Henry Rosst of Bermudas Island in America St. James's. to the King. Born in Saxony, petitioner lived for many years in the islands (*sic*) of S. Carolina and Pennsylvania, where he suffered great losses by the war with the Indians. Having married into an English family in Bermudas, is now settled there. Near his place of residence are some small islands uninhabited and for the most part uncultivated, known by the names of Turkett Dorrell islands, which if cultivated would produce wines and other manufactures *etc.* *Prays for a grant of one or two of said islands.* 1 p. *Overleaf,*

493. i. Reference of preceding to the Council of Trade and Plantations for their report. St. James's, 4th Feb., 1725. *Signed,* Holles Newcastle. $\frac{1}{3}$ p. *The whole, Endorsed,* Recd. 8th, Read 18th Feb., 1725. [C.O. 37, 11. ff. 107, 107v., 108v.]

Feb. 4. **494.** Lt. Governor Hope to the Duke of Newcastle. I send Bermuda. your Grace by this coppys (drawn in haste) of yesterday's minute From of Council and of all the papers then read at that board. The on board the ship I writt in is now under sail so I beg your Grace to pardon Express. the brevity of this. By what is here inclos'd your Grace may

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imagine the miserable situation I am reduced to, through the intrigues of a parcel of abandon'd men who have conspir'd my ruin *etc.* There is nothing which I have either order'd or done, in any one thing mention'd, or infer'd, in those infamous papers; but, what I do own, and glory in: and if any of these intended complaints does appear against me, I shal look upon it as a greater happyness to be call'd home to answer for them, than, to continue here at the mercy of the calumnys and inventions of such abandon'd mortals; who, to be reveng'd of me have indeavour'd the confusion of this happy little Colloney. The Counsellors are men, of sence and substance and unanimous, which is the greatest comfort I enjoy. P.S. I have sent your grace the copy of H.M. Order serv'd on me by Adam Wood Cabbin boy of the *Geo. and Eliza.* who has the original but refuses to give it up: I wou'd not take it from him, because I have the authentick duplicate seiz'd in Jones's pocket: which the event shows he was order'd likewise to have kept up as he did that order of H.M. which has given us so much trouble. *Signed, John Hope. Endorsed, Rd. June 7th. Holograph. 3½ pp. Enclosed,*

494. i. Copy of Minutes of Council of Bermuda, Feb. 3, 1725, and of papers relating to the *George and Elizabeth.* v. Feb. 2 and preceding. 26 pp. [C.O. 37, 28. No. 28 (covering letter only); and (enclosure only) 37, 26. No. 33.]

[Feb. 5.] **495.** Mr. Burniston to the Council of Trade and Plantations. Hopes that Mr. Armstrong may be dispatched to his post *etc.* *Signed, C. Burniston. Endorsed, Recd. 5th, Read 19th Feb., 1725.* Addressed. Without date. 1 p. [C.O. 5, 869. ff. 74v., 75v.]

Feb. 7. **496.** Lt. Governor Hope to the Duke of Newcastle. This comes to acquaint your Grace that Edward Jones that firebrand of sedition, (who has almost thrown this Colony into confusion, by keeping up of H.M. Orders of Council) finding that all his plots and contrivances are now happily discover'd; did last night run away with a sloop, in a pyratial manner. He and the master (David Burch) are part owners of the vessel, which is call'd the Olive-branch. He is certainly bound for England *etc.* If I had believ'd that the small power trusted to me, by H.M., had been sufficient to have punished him, for his presumption in daring to conceal, and keep up H.M. Orders in Council; I wou'd have done it *etc.* Your Grace is a judge whether or not it may be necessary for the good Government not only of this little place, but likewise of the Plantations that this affair may be enquir'd into. P.S. The sloop was cleard here for St.

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Christophers in ballast only, but I am certain she has other goods on board and disigns to put Jones on shore at Biddiford. *Signed*, John Hope. *Endorsed*, Rd. April 23. 2 pp. [C.O. 37, 28. No. 29.]

Feb. 8.
Jamaica,
Spanish
Town.

497. Governor the Duke of Portland to the Council of Trade and Plantations. I was unwilling to let any opportunity slip, without giving your Lordships an account of what passes here, tho' for the present, it will be but a very imperfect one, since the ship by which this goes, was to have sail'd from hence to me, and being acquainted with her intentions of sailing for London, but within this day or two, I have stop'd her going till I co'd get ready what I thought most necessary for the present; If I had had time, I would have sent duplicates of everything sent Dec. 30th *etc.* *Continues*: It is with pleasure I can acquaint your Lordps. that those, who for private views of their own, do what they can to obstruct all publick affairs, have fail'd in everything they aim'd at, and don't at all question, but that for the future with the countenance I hope from home, they will never meet with any better success. *Refers* to behaviour of the Depty. Provost Marshall v. 30th Dec., 1724. *Continues*: This matter deserves your Lordships' attention; When I did attempt to suspend him, it was look'd upon as a violation of the liberty and preveledge of the Patentee, but when he found I persisted to have an alteration, he then insisted that the nomination of another Depty. was absolutely in him, and look'd upon any attempt, to interfere wth. his nomination to be an infringement of his right, and taking away his freehold and his property: This I must represent as a difficulty the Government here labours under, who wants all possible assistance from those entrusted with any power from H.M., and in my opinion it co'd never be intended at home, that any power or favour granted by the King, sho'd be made use of to obstruct and oppose H.M. Government here; This Patentee nominated sevll. Deputys, and begun by one I had more reasons to except against, then against him whom I intended to remove, finding I did not approve of that nomination, he chose a second, less agreeable than the first; When I acquainted him wth. my objections, and thought that I had explain'd my self sufficiently, so as to have none nam'd, that had been notoriously engag'd against the Governmt. here, he declar'd, he wo'd persist in the same sort of nomination, and appointed a third more remarkably so, than those he had nam'd before. Upon wch. I requir'd the Patentee's personal attendance. He look'd upon that also as a violation of his right, since in the patent wch. gives him the Office for life, it is inserted, that he may execute it himself, or by sufficient Deputy, and that I had no power to oblige him to officiate himself, nor co'd interfere in the nomination of his Deputy; I thought, My Lords, that the judgement of the

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sufficiency of the Deputys, was in the Government here, and not in the Patentees, and that even the Patentees, were under the inspection of the Governmt., and to be suspended in case of any failure of duty ; but being desirous to shew a just regard for H.M. patents, I was unwilling to push things to any extremity, and found means tho' not without some pains and the assistance of some friends, to compose matters in an honble. manner, without lessening my own authority, wch. was, upon promises of a future amendment, and an entire submission, to overlook what was past, but as this can't always be compass'd I must desire to be inform'd by your Lordps. how I am to proceed, when anything of the like nature happens again *etc. questions put.* *Continues* :—It is an easy matter for any Patentee, to keep within a hair's breadth of his duty, and yet to do the Governmt. all possible disservice, and must say, it is of bad consequence, that they shall be at liberty to dispute powers wth. those whom H.M. has thought proper to entrust in a superiour degree ; To suspend a Patentee, except some lawfull reason plainly appears, might be thought a hardp. and be disapprov'd of at home, and yet some remedy ought to be found to prevent these Patentees thinking themselves independant, and setting themselves up as petty Governours, in opposition to him, whom H.M. has been pleas'd to appoint for his Representative. I must earnestly entreat your Lordps. to take this into your serious consideration, since the tempers of people here, require all what the art of man can invent, to keep them within the bounds of their duty to H.M. and that the Governmt. wants all the support that possibly can be given to it. I also want your Lordps. opinion, about another affair grounded upon what has happend here lately, concerning writs of error being brought before the Governour and Council ; vizt. when the Council consists of five wch. makes a quorum, that three of the Council, are of one opinion, and two wth. the Governour of a different opinion, how one is to proceed ? Whether the Governour's opinion ought to be deem'd in this particular no more than the vote of a Counsellour ; Not knowing whether this might not be a lessening of H.M. Prerogative, and being unwilling to assume any thing that might not be thought justifiable, I have delay'd coming to any determination upon this head, untill I receive some Instructions concerning the same, and will avoid, as well as I can, in the mean time to have any thing of that kind come to be determin'd before the Council, but when the number shall be such, as to remove this difficulty, wch. will be hard, considering how few Counsellours there are in this Island, and so many of them unable to attend, wch. has oblig'd me to nominate the Receiver Genl. (v. 30th Dec.), from whom I expect a great deal of assistance, and hope his nomination will be approv'd of ; If those who are abroad don't suddenly return, the necessity of the publick affairs will require to have their places fill'd up, but

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am sorry to say, I am at a loss where to find those who are properly qualified, and who I can recommend, there is no depending upon what one hears from those who speak out of affection, or with resentment, therefore I desire yor. Lordps. to have some patience, till I can personally be better acquainted wth. the people, and intend then, to transmitt the names of such as I can be satisfied, will deserve to be recommended. The Assembly has met lately, and tho' their Session has been very short, yet to the disappointment of some who I hope will find themselves every day, more and more deceiv'd has to my great satisfaction, been very unanimous in the dispatch of such affairs as will prove to be of greater advantage to this Island, than any thing they have done this great while past; They have pass'd three bills wch. I transmitt at present to your Lordships. The first is the Additional Duty Bill wch. formerly provided for the support of the guard sloop. As that bill fail'd passing the last Sessions, I prevaild wth. the Commadore to order one of H.M. sloops to supply the want of the guard sloop *etc. (v. supra)*. The Assembly have desir'd me to use my endeavours with the Commadore to continue that sloop, upon that service, for some time longer, and that the money arising by virtue of that Act, might be employ'd towards the suppressing of the rebellious negroes. And as the Commadore upon my application has readily comply'd with what the countrey desird of him, I am busy at present making the necessary dispositions to deliver this Island from these intestine enemys, who have so much annoy'd and destroyd the distant plantations. If I can compass this, in the manner I propose, it will be of great service to all the settlements here. The second is, a bill which will be of the greatest use, they co'd think of, towards encouraging the settlements in this Island, wch. is to oblige the publick to make good the losses of those who in their remote plantations are expos'd to any dangers. The third is what I have often desired, for the more effectual collecting the publick outstanding debts, wch. I hope will effectually help me in what I have ever since I came, been earnestly labouring at, whereby the Treasury will be enabled, to satisfy all those who have any demands upon the Government; I look upon this to be a great step towards the support of the publick credit, and don't design to stop here but will neglect no opportunity to forward and improve this disposition. The South Sea Agents endeavour'd in the Assembly and in the Council to obstruct the Additional Duty Bill, pretending they had not so great a latitude allow'd them by this new bill, to do whatever they had a mind to, as they hitherto have had; I must own that the welfare of this Island answers their objection, and absolutely requires the diminution or restriction of that latitude for they us'd to land all their negroes brought in here for refreshment, which infected the inhabitants, wth. all their malignant fevers, small-pox, and other

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dangerous distempers, besides other inconveniences and dangers it expos'd the towns to : common prudence requir'd that effectually care sho'd be taken to prevent this, and to preserve those who already are sufficiently expos'd (too many of them daily drop off) by the nature of the climate ; This Act allows them all the refreshment they can wish for, and only restrains the negro's from landing, wch. is so necessary for the preservation of so many lives here ; I did attempt (tho' not apply'd to in any manner by the South Sea Agents concern'd in this bill) to have had a place at a distance appropriated where they might land for their refreshment, but that did not answer their purpose (to avoid saying their private ends) and besides it was thought unadvisable and unsafe, to trust a number of negro's to themselves in any remote part *etc.* I expect letters from England wth. the utmost impatience, having been some time without receiving any *etc.* *Signed*, Portland, *Endorsed*, Recd. 29th April, Read 6th May, 1725. 6 large pp. *Enclosed*,

497. i. H.E.'s Speech to the Council and Assembly of Jamaica. Recommends provision for a guard sloop, and provision for parties sent against the rebellious negroes and an Act for improving the collection of private debts *etc.* (? 20th Jan., 1725). *Copy.* 1½ pp.

497. ii. Address of the Council of Jamaica to H.E. 22nd Jan., 1724(5). *Reply to preceding.* Promise support in view of his wise and prudent measures *etc.* H.E.'s reply. *Copy.* 2 pp.

497. iii. Address of the Assembly to H.E. *Reply to No. 1.* Jan. 22, 1724(5). Return thanks for his care of the coast and success of the party sent by H.E. against the rebels. They will dispatch the bills proposed *etc.* H.E.'s reply. *Copy.* 2¾ pp.

497. iv. H.E.'s Speech to the Council and Assembly, upon proroguing them till 27th April. Acknowledges the cheerfulness and unanimity with which they have dispatched the necessary business *etc.* *Copy.* 1 p. [C.O. 137, 16. ff. 61-68v., 70v.]

Feb. 8. 498. Governor the Duke of Portland to the Duke of Newcastle. *Repeats preceding* letter, concluding by commending to his care an Address of the Council and Assembly to the King. *Signed*, Portland. *Endorsed*, Rd. 29th April, 172½. 6 pp. *Enclosed*,

498. i-iv. Duplicates of Nos. 497, i-iv. [C.O. 137, 52. ff. 113-115v., 116v.-120v., and abstract, 123-124.]

Feb. 8. 499. H.M. Commission to Col. Lawrence Armstrong to be Lt. Governor of Nova Scotia. *Countersigned*, Holles Newcastle. *Endorsed*, Recd., Read 25th Feb., 172½. 1¼ pp. [C.O. 217, 4. ff. 268-269v ; and 324, 35. p. 108.]

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- Feb. 8. **500.** Duke of Newcastle to Governor Hart. Having had
Whitehall. some particular applications made to me in behalf of Mrs. Susan Thomas, who has some affairs depending in the Leeward Islands, I take leave to recommend her to your protection, that justice may be done *etc.* She is an orphan, who has fallen under great hardships, and is struggling with many difficultys to recover just debts which were due to her father, formerly Treasurer of Barbados, *etc.* *Signed*, Holles Newcastle. [*C.O.* 324, 35. *p.* 107.]
- Feb. 8. **501.** Mr. Oxenford to Mr. Popple. Encloses, in reply to
Custom ho. 22nd Jan., accounts of imports and exports to and from New England, Christmas, 1720–1723. *Signed*, John Oxenford. *Endorsed*, Recd. 8th Feb., Read 23rd June, 1725. *Addressed.* $\frac{1}{2}$ *p.* [*C.O.* 5, 869. *ff.* 82, 83v.]
- Feb. 8. **502.** Mr. Carkesse to Mr. Popple: Requests copy of Sir
Custom ho., W. Keith's complaint against Mr. Moore (Nov. 25, 1724).
London. *Signed*, Cha. Carkesse. *Endorsed*, Recd. 8th, Read 9th Feb., 1724 $\frac{1}{2}$. *Addressed.* 1 *p.* [*C.O.* 5, 1266. *ff.* 176, 177v.]
- Feb. 9. **503.** Mr. Popple to Mr. Carkesse. Encloses copy as
Whitehall. requested in preceding. [*C.O.* 5, 1293. *p.* 342.]
- Feb. 15. **504.** Duke of Newcastle to Lt. Governor Dummer. Having laid before the King your Address to H.M. as President of the Court of Admiralty, held at Boston, 12th May for the tryal of pyrates, H.M. hath been pleased to consider what you have therein represented in favour of William Taylor and William Phillips, who were condemned by the said Court for piracy and in regard they were in the judgment of the Commissioners before whom they were tried thought proper objects of H.M. mercy, H.M. hath been pleased to grant them a pardon, and to order them to be inserted in the first and next general pardon that shall come out for the poor convicts of Newgate, *etc.* *Warrant enclosed.* *Signed*, Holles Newcastle. [*C.O.* 324, 35. *p.* 109.]
- Feb. 16. **505.** Duke of Newcastle to the Lord Bishop of London.
Whitehall. The King having been moved upon a petition of Dr. George Berkeley *etc.* (*v. following*) *etc.*, is very well inclined to give all due encouragement to so good and usefull an undertaking, and hath been pleased to refer the same to the Council of Trade and Mr. Attorney and Mr. Solicitor General *etc.* *Encloses* copy, "that you may inform H.M. how far such a design may answer the ends proposed" *etc.* *Signed*, Holles Newcastle. [*C.O.* 324, 35. *p.* 110.]

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[Feb. 16.]

506. Petition of George Berkeley, Dean of Derry, and William Thompson, Jonathan Rogers and James King, Fellows of Trinity College, Dublin, to the King. It is the earnest desire of all those who have the interest of religion at heart that something more should be done in order to the propagating of the Gospel among the savage Americans and the better supplying of Churches in your Majesty's Foreign Plantations *etc.* In order thereto a College or Seminary in a proper place where students may be safe from the contagion of vice and luxury is very much wanted. The islands of Bermuda by their situation, temperament of the air, plenty of provisions, intercourse with the British Plantations *etc.*, as well as by the plainness and frugality of manners observable in the inhabitants appear a proper place *etc.* *Pray for* a Charter for erecting such College, to be named St. Paul's College, with Dr. Berkeley as President and the other petitioners for the three first Fellows, who shall co-opt six others *etc.* *Scheme for the College. Subscribed,*

506. i. Reference of preceding to the Council of Trade and Plantations, for their report thereon. St. James's. 16th Feb., 172 $\frac{1}{2}$. *Signed,* Holles Newcastle. *The whole endorsed,* Recd. Read 24th Feb., 172 $\frac{1}{2}$. 2 pp. [C.O. 37, 11. ff. 109, 110, 110v.]

[Feb. 18.]

507. Earl of Lincoln to the Duke of Newcastle. Requests a letter of recommendation to the Governor of Barbadoes, for Henry Irvine, one of the Clerks in his office, to employ him in any place that may fall vacant, he having been bred to accounts *etc.* *Endorsed,* Rd. 18th Feb., 172 $\frac{1}{2}$. *Mem.* A letter wrote to Govr. Worsley. $\frac{1}{2}$ p. [C.O. 28, 44. No. 92].

Feb. 18.

508. Mr. Popple to Governor Philips. *Asks for* information Whitehall. relating to Mr. Toshach's case. [C.O. 195, 7. p. 132.]

[Feb. 19.]

509. Petition of Wavell Smith and Savile Cust to the King. By H.M. letters patent of 18th Oct., 1722 petitioners were granted the places of Secretary and Clerk of the Crown of the Leeward Islands. Governor Hart has debarred Smith from the enjoyment of several branches of his office of Secretary and compelled him to accept Commissions from him for the same, and having conceived a groundless displeasure against him has contrived and assented to a law of St. Christophers by which a great many fees by right belonging to petitioners are taken away from their office *etc.* *Pray that* directions may be given for their relief *etc.* 2 $\frac{1}{2}$ *closely written pp.* *Subscribed,*

509. i. St. James, Feb. 19, 172 $\frac{1}{2}$. H.M. is graciously pleased to refer this petition to the Council of Trade and Plantations for their report. *Signed,* Holles Newcastle. $\frac{1}{4}$ p. *The whole endorsed,* Recd. 24th, Read 26th Feb., 172 $\frac{1}{2}$. [C.O. 152, 15. ff. 3-4v.]

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Feb. 19. **510.** Council of Trade and Plantations to the Duke of
Whitehall. Newcastle. Enclose for his information copy of Representation
sent to the Council Office to be laid before H.M. *Autograph*
signatures. 1 p. *Enclosed,*

510. i. *Same* to the King. *Quote Duke of Portland's Instructions and Order in Council, 6th Aug. 1723, relating to Revenue Bill of Jamaica, and the Act continuing the present Act for one year etc. Continue:* We have thereby had an opportunity of considering more maturely the draught of a Revenue Act [*transmitted by the Governor*], and beg leave to inform your Majesty, that the same is liable to the following objections; The Assembly of Jamaica have estimated their Establishment at £8000 pr. ann. which they conceiv'd to be adequate to all the constant annual expences of that Government, but the independent Companies which have been in Jamaica many years, and are necessary for the safety of that Island to be continued there, are not included in this Establishment, tho' they are provided for at present for one year by a separate Act; There is no provision made by this Bill for the debts of the Government already contracted; The funds given by this Bill are design'd to raise the sum of £8000 p. ann.; but being laid by way of increase upon certain commodities already rated, it is very doubtfull whether they will be sufficient for that purpose. And tho' the Assembly have engaged themselves to make good any sum that may fall short of £8000 pr. ann. yet this is only a promise on their part, which future Assemblies may dispute, but their laws would by this Bill in all events be made perpetual, and they are under no sort of engagement to provide for any accidental emergency of the Government, not included in this establishment; If the funds given by this Bill fall short, the deficiency is to be provided for as abovementioned; but if they exceed, the surplus is liable to the appropriation of future Assemblies, whereas the surplus ought to have been left to your Majesty's disposition, because the Assembly do by this Bill take upon them to make the patrimonial revenues of the Crown, a part of the funds for the support of the Government. The extraordinary increase of duties upon such liquors as are usually imported into Jamaica from Great Britain which make a part of these funds, are contrary to the intention of that Instruction, whereby your Majesty's Governors are prohibited from giving their assent to any Acts immediately affecting the trade or shipping of Great Britain. The Receiver General of the Revenues, by this Bill is to

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account only with the Governor; Council and Assembly, or a Committee thereof, but the said Receiver ought to account to your Majesty in this Kingdom, and to the Lords Commissioners of your Majesty's Treasury, or Lord High Treasurer for the time being pursuant to the Instructions to all your Majesty's Governors in that behalf. Wherefore considering that this may be the best opportunity your Majesty may have to engage the people of Jamaica to make such a firm and lasting provision as may be sufficient for your Matys. service and for their own security, and that it is of the utmost importance, that the law for that purpose should be conceived in proper and effectual terms, we would humbly propose that your Majesty may be pleased to direct your Attorney and Solicitor General to form the draught of a bill for this purpose as near the plan of that sent from Jamaica as may be free from the several objections to which the present bill is liable, and that the said draught so prepared, may be afterwards transmitted to his Grace the Duke of Portland, with orders to recommend the same to the Council and Assembly of Jamaica, as the terms upon which your Majesty will be graciously pleas'd to renew their laws. The people of Jamaica having inserted in the draught of this bill, a clause whereby they demand the general confirmation of all the laws of the said Island now in force, except some few particularly excepted, it became necessary for us to inspect all the laws of Jamaica now lying in our Office, which have not already been laid before your Majesty, and to offer our humble opinion concerning them, that no laws either detrimental to Great Britain or to the particular welfare of Jamaica might acquire a perpetual confirmation by any general clause to be inserted in such Revenue Act, as may hereafter be found worthy of your Majesty's Royal approbation; and accordingly we humbly crave leave to lay our opinion upon the said Acts before your Majesty, under the following heads vizt. : 1st Laws of Jamaica humbly proposed to your Majesty, to be confirm'd or continued in force, together with the laws depending upon the old Revenue Act for a term equal to the duration of the provision to be made by a new Revenue Act for the future support of your Majesty's Government. 2ndly Such Acts as we humbly offer for your Majesty's disallowance. 3rdly We have likewise examin'd several other laws, but as we find they are expired, we shall not trouble your Majesty with a list of them. (i) Laws proposed to be confirmed. An Act *appointing*

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scavengers and regulating wharfage at Port Royal, 1699. An Act for ascertaining and establishing and more speedily collecting H.M. quit rents, 1703. This is a law wherein the property of the Planters is highly concerned, there are some clauses in it of an extraordinary nature, as well with respect to the settling of your Majesty's quit rents and the arrears thereof, as to the manner of transferring estates in that Island; But this law was passed in 1703, and as it has been in force so many years without complaint against it, we submit it to your Majesty whether it may not be reasonable to confirm the same, considering how many titles may depend upon the validity thereof. An Act for dividing the common or Salt Savanna in the parish of Vere, 1709. An Act to encourage white men to come to continue and settle in this Island, 1712. An Act for the more effectual punishing of crimes committed by slaves, 1717. An Act for the encouragement of voluntary parties to suppress rebellious and runaway negroes, 1718. An Act to prevent the enticing of slaves from the possessors etc., 1720. An Act for the relief of such persons as have suffered by piracies etc., 1721. An Act to suspend a clause in an Act for ascertaining H.M. quit rents etc., 1721. An Act for establishing a perpetual anniversary Fast on 28th August, 1722. An Act for settling the N.E. part of the Island, 1722. We humbly conceive this Act would be for the advantage of Jamaica, and for the benefit of the British trade, inasmuch as it would increase the inhabitants of the Island which would tend to their security, and would likewise occasion the cultivating large tracts of land, which at present lye unimployed, and would consequently increase their importations. But His Grace the Duke of Bolton lays claim to 1000 acres in this part of the Island, and has produced evidence to prove not only his title thereunto, but likewise to prove his payment of the quit rents to within a year and a half of this present time; His Council likewise alledge that the price fixed upon the land by the Act, is not equal to the value thereof; However we must submit to your Majesty's consideration, how far the Duke of Bolton's particular interest should interfere with the benefit that might accrue to the publick from this Act, in case your Majesty should be graciously pleased to confirm the same, and so much the rather, because it does not appear to us, that any part of this land has ever been cultivated. 2ndly. Such Acts as we humbly offer for your Majesty's disallowance, are, An Act to confirm the Acts of the last Assembly, 1702.

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It appears by our books, that there were but four Acts passed in the Assembly before the passing of this Act, three whereof were publick Acts, and are expired, and the fourth being a private Act, we don't conceive there is any occasion for the Act in question *etc.* An Act *for the repairing, preserving and maintaining the wall of Port Royal etc.*, 1717. This Act applies £150 per ann. out of the sum of £250 appropriated by a former Act to the use of the fortifications, towards the maintaining preserving and keeping in repair the wall mentioned; We find by a Minute of the Council and Assembly, 17th Aug., 1717, that almost all the fortifications at Jamaica were in a very ruinous condition; We therefore desired Sir N. Lawes, when he went to Jamaica, to send us a perfect account of the state of the fortifications of that Island, that we might be the better able to judge whether the sum of £150 a year could be conveniently spared from the sum of £1250 already appropriated for the repair of the fortifications: Yet altho' in several of his letters he complains of the bad state of the fortifications, he never answered that point, so we can't advise your Majesty to confirm the said Act. An Act *for the more easy obtaining of partitions of lands etc. and other hereditaments in joint tenancy etc.*, 1721. This Act seems to have been framed in imitation of the Statute passed in England, 8th and 9th K. William III. for the same purpose. But as there appears to be a very material difference betwixt them, we humbly propose the said Act may be repealed. By the Jamaica Act it is enacted that after the summons or other process in partition is returned, and affidavit of due notice to the tenant to the action or to his Attorney, or the tenant in possession, or left on the premises, in case no appearance is regularly entered in the Court where the writ is returnable, the Court shall proceed to examine the demandant's title and give judgement by default, and avoid the writ of partition, and that such judgmt. shall conclude all persons whatsoever; so far this Jamaica Act agrees with the statute of King William; By the following clause it is enacted that if any tenant or person concerned, against whom judgment by default is given, shall within a year from the pronouncing the first judgmt. apply to the Court, by wm. it was pronounced, and shew good matter in bar of such partition, that then the first judgement shall be suspended, and the cause shall go on as if no such judgement had ever been given; Upon this occasion we must observe to your Majesty, that the

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time of one year after judgement given, is the same with that of the English statute ; But then by this Jamaica Act there is no saving for infants, feme covert, etc. as there is in the English, in which it is provided that if any person concerned, against whose right such judgement by default is given, shall within one year after, or in case of infancy, coverture, non sanæ memoriæ, or absence beyond the seas, within one year after such inability removed, move the Court, etc., and we think, a provision for this purpose ought to be inserted in every bill of the kind. The English Act was made only for the term of seven years, but that of Jamaica perpetual, which we think, ought not to have been. The Jamaica Act subjects the tenant or person concerned, who shall, in pursuance of this Act, move the Court against any former judgement, to treble costs, in case he fails in his suit, whereas the English statute gives but single costs, nor indeed is it just that any party upon the first and only opportunity he has of contending for his right (which must be the case upon this Act) should be under any more disadvantageous circumstances than his adversary ; for the recovery of treble costs is not made mutual between both parties. An Act *for preventing the frauds and regulating the abuses in trade*, 1722. This Act has a clause in it, which subjects all liquors imported in bottles, to be forfeited, in case the bottles do not hold full quarts or pints ; This clause seems unreasonable because as bottles cannot be made to an exact measure : and, as many English, who know nothing of this law, may transport such bottles to Jamaica, it may prove prejudicial to the British merchants. Thus we have laid before your Majesty all the laws of Jamaica in our Office, whereon your Majesty or your Royal Predecessors have not signified your pleasure, to Feb. 1722/3, which is the date of the last Revenue Bill, sent home by the Duke of Portland. But as it is possible there may be some laws still subsisting in Jamaica, of which we have no copies ; whenever the draught of the Revenue Act shall be prepared by your Majesty's Attorney and Solicitor General, some proper caution should be taken upon this head, either by particularly specifying the sevl. laws to be confirmed, or by such other method as may be thought proper for that purpose. And we would humbly propose to your Majesty that all temporary laws and private Acts should continue probationary ; And be confirmed or repealed as your Majesty upon proper application shall be pleased to direct *etc.*

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Autograph signatures. Copy. 22 pp. Seal of the Council of Trade and Plantations:—Britannia seated in foreground on a box and bale of merchandize, with shield, and holding in left hand a spear with pennon in left hand and olive branch in right. Two ships in full sail on sea, L and R background, [C.O. 137, 46. Nos. 45, 45. i.; and 138, 17. pp. 1-23.]

Feb. 22. **511.** Council of Antigua to the Council of Trade and Plantations. *Refer to their addresses (v. 1st March) in reply to the Governor's speeches for their reasons for not consenting to settle £1500 per annum upon him, after having given him above £4300 in the specie of money. Pray that, if H.E. has anything to alledge against them, he may be obliged to reduce his charges to particular heads and that they be given to them in writing etc. "All our pretended crimes amount to this single point, that we think our duty to our country will not allow us to see the people drawn in, to settle £1500 per annum on H.E., while debts of near 20 years standing (at 10 p.c. interest) remain unpaid. A paper of accusations against us by H.E., dated 15th Jan. last, was not delivered to us till the 18th instant," etc. Pray that judgment may be suspended until they have time to enter their defence etc. Signed, Natha. Crump, Archd. Cochran, John Yeamans, Vall. Morris, Jno. Frye, Thomas Morris, Will. Byam. Endorsed, Recd., Read 13th May, 1725. 2 pp. [C.O. 152, 15. ff. 9, 9v., 10v.]*

Feb. 27. **512.** Governor Nicholson to the Council of Trade and Plantations. *I hope in God your Lordps. have and will receive all my letters etc. We have the good fortune of the weather continuing extraordinary good which gives the people an opportunity of making pitch and getting their rice ready and bringing both commodities down here etc., for which reason the ships and vessells have been loaded and its supposed that every week there will be some cleared, so that all that are here now will (God willing) be ready to sail by the later end of next month and we are in daily hopes of ships and vessells arriving from Great Brittain, the Continent and the West Indies, and we have expected some for about these two months, but when please God they arrive we are in hopes they will carry away all the rice and pitch that is made. Refers to enclosures. Continues:—I hope in God as we begun this Session so it will be ended in three weeks or a month at the farthest, and that those two inseparables H.M. interest and service and that of this his Province will be promoted etc. Signed, Fr. Nicholson. Endorsed, Recd. 21st May, Read 18th Nov., 1725. 1 p. Enclosed, 512. i. List of papers sent to Mr. Youge. Signed and endorsed as preceding. 1 p.*

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512. ii. Governor Nicholson's Speech to the Commons House of Assembly, 24th Feb., 1725, and their reply, 25th Feb. *Same endorsement. Copy. 2 pp.*
512. iii. Address of the Speaker of the Assembly to Governor Nicholson and his reply *etc.* Feb. 25th, 1725. *Same endorsement. Copy. 1½ pp.*
512. iv. Speech of Governor Nicholson to the Assembly, 25th Feb. *Same endorsement. 2 pp.*
512. v. Speech of Governor Nicholson to the Assembly, 27th Feb. with list of papers sent to the House. *Same endorsement. 2 pp.*
512. vi. Speech of Governor Nicholson to the Assembly, 27th Feb. *Same endorsement. ¾ p.* [C.O. 5, 359. ff. 284, 284v., 285v.-287v., 288v.-289v., 290v.-291v., 292v.-293v., 294v.-295v.; and (abstract of covering letter) 5, 406. p. 23.]

Feb. 27. **513.** Mr. Shelton to Mr. Popple. *Encloses* following to be laid before the King. *Signed*, R. Shelton. *Endorsed*, Recd. 27th Feb., Read 2nd March, 172½. 1 p. *Enclosed*,

513. i. Lords Proprietors of Carolina to the King. Feb. 27, 1725. We have appointed Sir Richard Everard Bart., to be Governor of North Carolina, in the room of George Burrington Esq. against whom we have receiv'd many complaints *etc.* *Pray* for H.M. approbation of Sir Richard. *Signed*, Carteret, P., Beaufort, Craven, M. Ashley, Ja. Bertie. 1¾ pp. [C.O. 5, 1266. ff. 178, 179, 179v., 181v.]

Feb. 27. **514.** H.M. licence of absence for three years longer to Charles Huggins, Clerk and Remembrancer of the Court of St. James's. *Countersigned*, Holles Newcastle. [C.O. 324, 35. pp. 111, 112.]

Feb. 28. **515.** Governor Hart to the Council of Trade and Plantations. St. Christophers. The Council and Assembly of St. Christophers have thought fit to appoint Mr. Thomas Beake in the room of Mr. Nevine their former Agent *etc.* *Recommends* for their Lordships' approbation the two bills passed for that purpose. *Signed*, Jo. Hart. *Endorsed*, Recd. 16th, Read 17th June, 1725. 2 pp. [C.O. 152, 15. ff. 32, 32v., 33v.]

March 1. **516.** Governor Hart to the Council of Trade and Plantations. St. Christophers. *Encloses* duplicate of 24th Dec., as many ships from these parts have been lately lost on the coast of Great Britain. *Continues*: In November I went to Montserrat; where I had the good fortune to compose the heats, which were come to a great height between the Council and Assembly: and after I had proposed some good laws to them, which were much wanting,

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having pleaded in the Courts such as were passed, before the taking of the Island by the French under the command of Monsieur Cossart, at which time all their records were burnt; and so had few laws but what depended on the strength of their memory: to remedy which I have been since at Montserrat, and as the Council and Assembly have prepared heads of several bills which are put into the hands of lawyers to digest into method: which when they are form'd for the assent, I intend to return thither again: and hope in a few months to send your Lordships such Acts as may be for the better Government of that Island, and further promote their trade *etc.* As Mr. Frye (*v. C.S.P.* 16th March, 1724, 5th April, 1725) is sensible of his misbehaviour; and made a proper submission for it; I have taken the liberty to restore him to his place in the Council; and hope I shall have your Lordships' pardon for not waiting your answer thereon, since this has taken away all grounds for even in the least murmur in that Island. For tho' Mr. Frye has been universally censur'd here, for his misbehaviour towards me; yet I alwaies gladly embrace all returns of duty and regard for H.M. authority; on the other side where it is not sometimes exerted, too many liberties are taken with it, of which Mr. Frye's suspension is a remarkable instance *etc.*; the present tranquility in the island is in a good measure owing to the step I took on that occasion. Just as I was embarking from Monserrat for Antegoa on 16th Nov., a ship arrived from London by which I received a new Royal Instruction, *as to salary* (*v. C.S.P.* 4th July, 1724). *Continues*: I hope your Lordships will pardon my not sending you sooner the proceedings of the Council of Antegoa; which are indeed of so extraordinary a nature, as ought to have been laid early before your Lordships. But as I was in hopes that when the Gentlemen of the Council had some time to reflect on their conduct, that they wou'd have made some moderate representation, which might have given me a handle for to accommodate matters so, as I need not have troubled your Lordships with an account of their behaviour: And I was encouraged to this by the Lt. Governour, and several worthy Gentlemen of that Island; who have taken abundance of pains to perswade them to more peaceable and respectful measures than those they had already engaged in. But as I find these Gentlemen of the Council are obstinately bent, to render H.M. authority in his Cheif Governour of no consequence; and have done all that in them lyes, to render his administration contemptible; I can no longer delay to represent their proceedings *etc.*, and do not doubt your Lordships will take such measures on the whole, as will effectually support H.M. authority in the Council of Antegoa *etc.* As, in my humble opinion, the honour of H.M. service is very nearly concern'd in this matter, I presume I need not make a further apology in taking up so much of your Lordships' valuable time *etc.* On

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my arrival at Antego, 12th Nov., I found there was no house or other provision made for my reception as usual: For that the Council had trifled with the Assembly, and would not take a house but on such terms as no man car'd to rent it. *Refers to Minutes of Council.* So to the great greif of the Assembly and people, I was obliged to take up my lodgings in a very mean and despicable habitation, belonging to the Clark of the Market, such as wou'd not let for twelve pence by the week in any part of England. And this too in a very wet and sickly season, and in lowe circumstances of health, and almost depriv'd of the use of my limbs, from the effects of the many feavers I have had, since my residence in this unhealthy climate; the Island of Antegoa having this year, by the best accounts I can procure, lost the 6th part of the inhabitants by malignant fevers. I was in hopes on my meeting the Council and Assembly, that some better provision wou'd have been made for me, in respect to the honour of H.M. Commission: But your Lordships may please to observe what regard the majority of the Council have for it, by the sequel *etc.* On 21st Nov., I made the inclos'd Speech *etc.* As this Speech was the groundwork of the extraordinary proceedings of the Council since the time of my delivering it; I humbly intreat your Lordships perusal of it; and submit to your superiour judgments, whether any handle cou'd be taken from thence to my disadvantage, unless it were from minds prepar'd to turn everything I shou'd offer into the worst sence.

Encloses the very affectionate Address of the Assembly on that Speech and it is with infinite pleasure I can say to your Lordships, that no Governour ever receiv'd greater marks of veneration and esteem, than I have done from the Assembly, merchants and generality of the people of Antegoa *etc.* The Assembly agreeable to their kind provisions in their Address to me, came to a resolution for settling £1500 per annum Antegoa money on me during my Government; which the Council refused to agree to. *Refers to Minutes and Journal, etc. Continues:*—The Council offer'd me a paper in answer to my Speech, which wanting the stile of an Address, I refus'd to accept, as wanting that respect, which has been constantly paid by the Council to the Chief Governours when ever they made a Speech. On my refusal they alter'd their stile, and presented me with what they are pleased to call an humble Address. *Refers to enclosure iii. etc. Continues:*—Having read their Address in Council and surpriz'd that they shou'd fall from their former resolutions to provide for me whenever H.M. shou'd signifie his approbation by an Instruction for that purpose; I desir'd the Gentlemen wou'd inform me, whether they had any objection to my administration, which I was not conscious to myself, I had been either guilty of or remiss in; and assur'd them if they had any grievances to complain of, I was willing and ready to redress them; upon which they reply'd they had no

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greivances to complain of; I answer'd that since they had no greivances I thought it very hard, that I shou'd be depriv'd of all support, when at their instance I had obtain'd H.M. permission to accept of an addition to my sallary from Antegoa, that they knew very well the great expence I was at, and that they had given their publick faith to support me: Upon which Lt. Col. Valentine Morris (who commands Col. Lucas' Regiment of Foot here in H.M. pay and service) sullenly reply'd, that if they had given me any promises, my conduct was very much alter'd since that time; and Mr. Archibald Cochran feircely seconded Col. Morris, Yes, Sir, your conduct is very much alter'd since that time. This was deliver'd with such actions as are inimitable, and in accents cannot be put into letters. But how respectful to my station, or how just to my particular is humbly submitted to your Lordships. I very earnestly pressed these Gentlemen to explain what part of my conduct was blamable; But they obstinately refus'd to answer me in any one point. Thus, My Lords, finding myself depriv'd not only of all support in Antegoa, the principal Island of my Government, by the piques of some of H.M. Council there; but my reputation also wounded in so secret a manner, that it was impossible for me to justifie my conduct so attacked, but in a publick way; which I hope I have done, by calling up the Assembly to the Council Chamber, where I made the inclos'd Speech, of which I humbly desire your Lordships perusal; and with great resignation submit it to a superiour censure, if there is any cause for it. But cannot admit the Council to be my Judges, and pass sentence on me, as they have done in the inclos'd original Address to me on the Speech mention'd. In my answer to this last Address, *enclosed*, I have been the more particular that your Lordships may be fully inform'd of my conduct, and that of the Council towards me *etc.* *Hopes that it* may possibly put your Lordships upon measures of better supporting H.M. authority in Antegoa, than it has been for many years past; and that those who have, or may have the honour of H.M. Commission as Governour, may not for the future have their lives, their bread and characters, subject to the caprice of, at least, unreasonable men *etc.* Permit me, My Lords, to observe to you, that faction which was, not many years past, in as high a rage at Antegoa, as any one place whatever, is now reduced to a very small number: But how much they may increase, if alwaies permitted to go on with impunity, is humbly submitted *etc.* The Assembly having, in vain, desir'd the concurrence of the Council *etc.*, they then came to a resolution to address H.M.; to shew their zeal for his person and Government, and how chearfully they came into measures to support the honour of his Governor here, tho' the Council wou'd not joyne with them in it. After the Address was prepar'd, the Speaker and Assembly came to me in a body; and desired that

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I wou'd lay their Address (*enclosed*) before H.M. *etc.* By my 91st Instruction I am commanded to make the Island of Antegoa the cheif place of my residence ; which I have hitherto done : But as the Council have refused to concur with the Assembly in providing for my support, or even for a house ; and having lately remain'd there for two months at a very great expence to my private fortune, yet in very dishonourable circumstances for H.M. Governor ; and considering H.M. has also been pleased to give his Instructions that I might be supported and that a house should be provided for me, which I presume was not suppos'd wou'd have been refus'd *etc.*, But as the case now stands, in my humble opinion, it is not for the honour of H.M. service, that I should make Antegoa the cheif place of my residence till some provision is made for my reception there. I hope, my Lords, the reasons I now offer, may prevail with your Lordships. to represent this matter to H.M. ; and that he will be graciously pleas'd to dispence with that Instruction *etc.* It will be needless after what I have had the honour to impart to persons of your Lordships' wisdom and penetration, to say how impracticable it is to act for H.M. service and promote the good of the Colony of Antegoa (which is admitted to be now in a better condition than ever it was before my arrival) if the Council who are appointed to aid and assist H.M. Governor, take measures to obstruct and oppose him on most occasions *etc.* Your Lordships may please to observe in the Address of the Council *etc.*, that abstracts of my letters I had the honour to write *etc.* to your Lordships in March past, are made a charge against me, tho' I have not yet receiv'd your Lordships sentiments on the subject of those letters. I am a stranger to the means of the Council's obtaining those letters. But I humbly submit it to your Lordships' consideration, how safely I can act at Antegoa for H.M. service when my letters wrote to your Lordships, for H.M. information, are publish'd by the persons by me accus'd ; But do not doubt your Lordships will take such measures that H.M. Governor here may not be exposed to the resentments of such who have already acted so cruel a part, when his duty prompts him to speak with a just freedom of men and things within his Government *etc.* Signed, Jo. Hart. *Endorsed*, Recd. 16th, Read 17th June, 1725. 16 pp. *Enclosed*,

516. i. List of following enclosures. 1 p.

516. ii. Copy of Order in Council, 4th July, 1724. *Endorsed as covering letter.*

516. iii. Governor Hart's Speech to Council and Assembly of Antigua, 21st Nov., 1724. Recommends above Order, concerning an addition to his salary, to their consideration, and also the question of a perpetual establishment for the support of the Commander-in-Chief. Now that the Island no longer labours under the load of publick debt, and is in a more flourishing

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condition than ever it was, repeats his former recommendations that they should consider the better regulation of the Militia, improvement of the fortifications, and the increasing number of white people, so much diminished of late by the hand of Providence *etc.* *Same endorsement.* *Copy.* 2 pp.

516. iv. Address of the Assembly to H.E., in reply to preceding. Out of the desire we always had of seeing H.M. representative honourably supported and of a full sense of H.E.'s merit, have resolved upon an annual sum to be settled on him. *Signed,* Ashton Warner, Speaker. *Same endorsement.* *Copy.* 1 p.

516. v. Address of the Council of Antigua to H.E. We cannot agree to an Act of settlement for your Excellency, because we persuade ourselves that H.M. will think, we have had a just regard to your Excellencies' support, and the dignity of your station, in giving more than £4,300 in gold and silver. No former Governor ever received in five years what your Excellency has received in three. Yet, as we would endeavour to make your Excellency easie, and shew our regard to H.M. service, we cheerfully agree to the providing a house for your Excellency, or £400 a year in proportion to the time your Excellency shall think fitt to reside amongst us, according to the tenor of one of H.M. Instructions. We agree that we are in a good measure eased of those heavy debts, we have been so long encumbered with, and we hope with the blessing of God, that our publick credit will in a few years be on such a foot as never again to pay 10 p.c. interest, as we still do for above £5000, great part of which was contracted the beginning of the last war, *etc.* As we have not been able to discharge our debts in that time, we ought to have some regard to the disposal of the public money *etc.* *As to* procuring a greater number of white people, our charging ourselves with white servants will be to little purpose, while our poor people find reason to leave us, as our poor free-holders do whenever a dry year, and a high tax come together *etc.* *Express appreciation* of H.M. great goodness in giving us our Chancery Acts *etc.* *Same endorsement.* *Copy.* 2 $\frac{1}{4}$ pp.

516. vi. Speech of Governor Hart to the Council and Assembly of Antigua, Dec. 5th, 1724. The £4300 (*referred to in preceding*) has already been spent in this Island on the presumption of your promises that I should have been always supported. Its value is only £2867 sterling, not an extravagant sum in a country where all necessaries are constantly double the price in Great

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Britain. I paid my own rent and repairs and servants' wages alone amounted to £200 a year. I may add from the information of others, that the maintainance of a house in a private family, where everything is paid for in the specie of gold and silver, will exceed £1000 per annum. It is well known in what port I have maintained my character, and that my door has ever been open to the stranger, the distress'd and the affectionate. I am a stranger to the arts of secretly taking money, tho' I have not been without great offers that way, *etc.* The late Mr. Hamilton in 3 years received £4000 and the royal festivals were at the public charge, which I have defrayed at my own expence *etc.*, besides other extraordinary expences *etc.* The remaining debts are not near what you represent them to be *etc.* The poor have been always freed from taxes during my administration *etc. etc. Same endorsement.* 13½ pp.

516. vii. Address of the Council of Antigua to H.E. *Reply to preceding. Signed,* Thomas Morris, Jno. Frye, Will Hyam, Vall. Morris, Natha. Crump, Archd. Cochran, John Yeamans. *Same endorsement.* 10 pp.

516. viii. Governor Hart's Reply to the Gentlemen of the Council who signed the *preceding* Address, 15th Jan. 1725. *Same endorsement.* 66 pp.

516. ix. Address of the Assembly of Antigua to the King. 11th Dec., 1724. *Assure* H.M. of their zeal and affection for his person and Government and *praise* the prudence, conduct and zeal of Governor Hart. Will endeavour to repeat their resolutions for a settlement on their chief Governor, being convinced that his residence in that Island, the windermost and most capable to assist the others, will thus be rendered less burthensome to him *etc.* *Signed,* Ashton Warner, Speaker. *Same endorsement.* 3 pp. [C.O. 152, 15. ff. 34-41v., 43v., 44, 45v., 46, 46v, 47v.-49, 50-51v., 53v., 55-61v., 63v., 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 73v., 75-107v., 108v.-110v.]

March 2. 517. Council of Trade and Plantations to the Duke of
Whitehall. Newcastle. Transmit the Lords Proprietors' recommendation of Sir Richard Everard to be Governor of North Carolina for H.M. Orders thereupon. *Autograph signatures.* 1 p. [C.O. 5, 306. No. 8; and 5, 1293. p. 343.]

March 2. 518. Mr. Popple to Mr. West. Encloses for his opinion in
Whitehall. point of law Act of S. Carolina *for settling the estate of Richard Beresford, decd.* [C.O. 5, 400. p. 217.]

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March 2. **519.** Council of Trade and Plantations to the Duke of
Whitehall. Newcastle. Enclose following to be laid before H.M. *Auto-*
graph signatures. 1 p. Enclosed,

519. i. *Same* to the King. Having discoursed with Dean Berkley, upon his petition (*v. 6th Feb. etc.*), we have no objection to so laudable an undertaking, provided the said Colledge be not impowered to purchase or receive above 1000 acres of land in the Bermuda Islands, and that their revenue in any other part of your Majesty's Dominions do not exceed £2000 a year. *Autograph signatures. 2 pp. [C.O. 37, 26. Nos. 34, 34 i., and 38, 8. pp. 27, 28.]*

March 3. **520.** Order of King in Council. Representation of 13th
St. James's. Feb., and the petitions of John Burnett and Jeremiah Browne, praying that it may be reconsidered, are referred to a Committee of the Privy Council. *v. A.P.C. III. No. 78. Signed, Edward Southwell. Endorsed, Recd. 24th March, Read 6th April, 1725. 1 p. [C.O. 152, 15. ff. 5, 6v.]*

March 3. **521.** Mr. Wescomb to Mr. Popple. Since the Directors
South Sea House. of the South Sea Compa. attended the Lords Commrs., they have received from their Agents in Jamaica a letter advising that the Assembly had passed a bill for 1725, whereby not only the former dutys of 10s. per head on the import, and 20s. per head on the export, of negroes, are continued, but the relief given to the South Sea Compa. by the former Act, with respect to such negro's as should be imported by themselves for refreshment only, pursuant to H.M. Order in Council, is taken away *etc.* To which His Grace was pleased to say, that he thought the laying a duty on negroes, that came for refreshment only, was unreasonable, but that he had no such instructions as were given to Pr. Nico. Lawes *etc.* *Asks for copy of Minutes when the Directors attended the Board. Signed, W. Wescomb. Endorsed, Recd. 5th, Read 10th March, 172 $\frac{1}{2}$. 1 $\frac{3}{4}$ pp. [C.O. 137, 16. ff. 21, 21v., 22v.]*

March 3. **522.** Order of King in Council. Mr. Attorney and Solicitor
St. James's. General are to prepare the draught of a Revenue Bill for Jamaica, and offer what they think necessary to be done upon the Representation of Feb. 19th *etc.* *Set out, A.P.C. III., p. 73. Signed, Edward Southwell. Endorsed, Recd. 24th March, Read 6th April, 1725. 1 p. [C.O. 137, 16. ff. 29, 30v.]*

March 3. **523.** Order of King in Council. The Lords Commrs. of
St. James's. the Treasury are to report whether the Revenue given by the bill transmitted by the Duke of Portland will answer the necessary provision for the support of the Government of Jamaica, with what else they shall think proper to offer thereupon. *Signed and endorsed as preceding. 1 p. [C.O. 137, 16. ff. 31, 32v.]*

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March 3. **524.** Order of King in Council. Referring to a Committee St. James's. the Act of Pennsylvania *prescribing the forms of Declaration of fidelity etc.* and representation of 14th Jan. thereupon. *Signed and endorsed as preceding.* 1 p. [C.O. 5, 1266. ff. 186, 187v.]

[March 3.] **525.** Petition of Robert Cunyngham to the King. *Praying for relief in case of a plantation in St. Kitts, part of which is alleged by John Spooner, Solicitor General of the Leeward Islands, not to have belonged to Mrs. Salenave, petitioner's wife's aunt, and therefor to have been wrongly included in petitioner's patent.* (v. 27th March, 1725). *Without date or endorsement.* $1\frac{3}{4}$ large pp. [C.O. 239, 1. Nos. 30, and (duplicate) 30. i.]

March 5. **526.** H. Rost to the Council of Trade and Plantations. Turkett and Dorrell islands contain about 25 acres each. (v. 4th Feb.) Petitioner intends to plant them with grape vines. Proposes rent of 6d. per acre to the Crown *etc.* *Signed,* Henry Rost. *Endorsed, Recd.,* Read 5th March, 172 $\frac{1}{2}$. *Addressed.* 1 p. [C.O. 37, 11. ff. 111, 112v.]

March 6. **527.** Deposition of Benjamin Bennett, late Lt. Governor of Bermuda. There are four or five shares of land commonly called School lands understood to belong to a Free School by virtue of St. Nathanl. Rich's will. Part of those lands were possess'd for several years during deponent's government by Thomas Bostock, who is now succeeded by the Rev. Mr. Nairn pursuant to the present Governour's order. *Signed,* B. Bennett. $\frac{3}{4}$ p. [C.O. 37, 28. No. 30.]

[March 6.] **528.** Copy of will of Sir N. Rich (1635) referred to in preceding. $2\frac{1}{4}$ pp. [C.O. 37, 28. No. 31.]

March 6. **529.** H.M. leave of absence for one year longer to Patrick St. James's. Crawford, Provost Marshall General of the Leeward Islands. *Countersigned,* Holles Newcastle. [C.O. 324, 35. pp. 113, 114.]

March 9. **530.** Mr. Leheup to Mr. Popple. Asks for final determination on Merchants' petition against Act of New York for *encouragement of Indian trade etc.*, "which has been so well cleared up that I beleive they will give no further trouble concerning it." *Asks for confirmation of Act to enable Messrs. Dongan to sell an estate,* which has been passed these two years at New York *etc.*, and for decision upon Mr. Burnet's recommendation of Philip Livingston for the Council, "as the ships are all now going." *Signed,* Peter Leheup. *Endorsed, Recd.,* Read 10th March, 172 $\frac{1}{2}$. 1 p. [C.O. 5, 1053. ff. 223, 224v.]

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- March 9. **531.** H.M. Warrant to Governor Burnet for appointing
St. James's. Robert Lettice Hooper Chief Justice of New Jersey in place of
William Trent, dead. *Countersigned*, Holles Newcastle. [C.O.
324, 35. pp. 112, 113.]
- March 9. **532.** Mr. Popple to Governor Hart. *Encloses* copy of Mr.
Whitehall. Smith's petition relating to infringements of his patent.
Concludes : Their Lordships expect you shall make no alteration
with respect to the profits of the several employments Mr.
Smith was possessed of when he left St. Christophers, till their
Lordships shall have received your answer thereto, and till H.M.
shall have declared his resolution thereupon. [C.O. 153, 14.
pp. 185, 186.]
- March 10. **533.** Mr. Gordon to the Council of Trade and Plantations.
Barbados. *Encloses* following, a copy of his reply to their enquiry which
he thinks they never received *etc.* *Signed*, W. Gordon. *En-*
dorsed, Recd. 3rd May, Read 2nd June, 1725. 2 pp. *Enclosed*,
533. i. Memorial of Henry Peers, Rev. W. Gordon and Mary
his wife, and Mary Whitehead, widow, to the Council
of Trade and Plantations. Objections to the Act of
Jamaica *for encouraging the speedy selling of Pera*
Plantation. Joseph Harbin, (grandfather of Mary
Gordon, the only daughter of his son and heir, John),
and Charles Pope, father of Mary Whitehead (his
only daughter and heiress) in 1682 purchased a plan-
tation from Sir Thomas Lynch for £6000, and built
a windmill thereon and stocked it with 150 negroes,
and paid the greatest part of the purchase money to
the Lady Cotton, only daughter of Sr. T. Lynch.
Pope conveyed to George Peers of Barbados one
moiety of his moiety, which is inherited by his son,
Henry. In 1694 the French privateers demolished a
great part of the work, whereupon Lady Cotton,
by her attorney Col. Knights, entered upon the
plantation by virtue of a mortgage from Charles Pope
and has ever since held the same. She has suffered
the land to lie waste and rented out the negroes to
one Vines Ellicot, or Thomas Cardriff, the rent for
which has long since amounted to more than the
unpaid purchas money. Gordon being in London
applied to Lady Cotton to come to an account and
offered to pay what was due on the mortgage, but she
refused, whereupon the memorialists filed their bill
in Chancery to compel her to account. Lady Cotton
and her present husband, Capt. King, instead of
answering the said bill, had recourse to Jamaica,
and by plausible suggestions to the Legislature there,
without the knowledge of Memorialists, procured a

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law to be passed to bar them from their just claim, which they hope will be deemed unfit for H.M. approbation because (i) the reasons alledged in the preamble are untrue. (ii) the Act divests H.M. subjects of their title, unless they pay certain sums which from the Legislators own shewing were never made to appear to them to be due and unsatisfied. (iii) The Act anticipates the justice all parties may well procure for themselves *etc.* *Signed*, Hen. Peers, W. Gordon, Mary Gordon, Mary Whitehead. $2\frac{1}{2}$ large pp. [C.O. 137, 16. ff. 76-78, 79v.]

March 11. **534.** Bishop of Durham to the Duke of Newcastle. *Recommends* Mr. Bradley, Attorney General of New York, to fill a vacancy in the Council. (v. Jan. 1st.) *Signed*, W. Duresme. $\frac{3}{4}$ p. [C.O. 5, 1092. No. 37.]
Albemarle Street.

[Mar. 11.] **535.** Petition of Thomas Rowland to the King. Lt. Col. Daniel Smith, then C. in C., granted 150 acres in the late French part of St. Christophers, to petitioner's father, Charles Rowland. He gave 43 acres thereof to petitioner, who improved the same at great trouble and expence. A separate new grant of the latter part was obtained by petitioner from Governor Hart, but still in the name of petitioner's father, for fear it might prejudice his title to the rest. *Grant described.* Petitioner's father being dead, Governor Hart is about to take advantage thereof by making a new grant of the said lands to another person *etc.* *Prays* for a grant continuing him in possession. *Endorsed*, Reced. June 18, 1725. Mr. Sharpe for petitioner has no proof besides the grant. 2 pp. *Annexed*,

535. i. Duke of Newcastle to Mr. Attorney General. Whitehall. March 11, 1725. H.M. refers preceding for his opinion thereon. *Signed*, Holles Newcastle. $\frac{1}{4}$ p. [C.O. 239, 1. No. 31.]

March 11. **536.** Duke of Newcastle to the Council of Trade and Plantations. Encloses following for their report. *Signed*, Holles Newcastle. *Endorsed*, Recd. 8th, Read 23rd June, 1725. $\frac{3}{4}$ p. *Enclosed*,
Whitehall.

536. i. Petition of T. Rowland, *as preceding.* *Prays* to be continued in possession *etc.* [C.O. 152, 15. ff. 111, 112-113v., 115v.]

[Mar. 11.] **537.** Traders and planters concerned in Jamaica now residing in Great Britain to the Council of Trade and Plantations. Represent that the Acts of Jamaica complained of (v. 10th Dec., 1724), are agreable to H.M. Orders, which permit a tax upon negroes bought there. The money arising from the tax upon negroes imported supports a sloop to guard the coast from

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pirates, by which the South Sea Company benefits. The duty on flour is only upon that imported from the Northern Colonies, and as to its affecting the Assiento trade, it is well known that the provisions they give their negores, are only Indian corn, horse-beans and plantains. The Northern Colonies lay such high duties on the product of Jamaica, as amounts to almost a prohibition. The Assembly is at a loss where to find funds for the support of the Government, *etc.* Signed, Wm. Pusey and 14 others. *Endorsed*, Recd. Read 11th March, 172 $\frac{1}{2}$. 8 large pp. [C.O. 137, 16. ff. 23-26v., 28v.]

March 12. **538.** Council of Trade and Plantations to the Duke of Newcastle. *Representation upon* reference of petitions from the South Sea Company &c., 10th Dec., 1724. The petitioners not being prepared to ascertain the several facts complained of in their petitions, we cannot hitherto come to any determination thereupon. However observing that their complaint is chiefly founded upon the breach of an Instruction supposed to have been given to the Duke of Portland, of which Instruction we have no copy in our Office except that annexed to the petition of the South Sea Company, we are doubtful whether the Duke of Portland ever had such Instruction, for it would seem to us that this Instruction was prepared as the Order of Council directs by one of H.M. Principal Secretaries of State and directly transmitted to Sir N. Lawes, but no copy thereof having been transmitted to this Office otherwise than as aforesaid it was not possible for us to incorporate the same in the body of the Duke of Portland's Instructions prepared by us. But this being a matter of great consequence to H.M. service and to the trade of Great Britain we must desire your Grace would be pleased to obtain H.M. Orders for preparing an Instruction to the like effect to be forthwith transmitted to the Duke of Portland, and that for the future your Grace will please to give directions that all matters relating to the Plantations transacted in your Grace's Office may be regularly communicated to us that we may thereby be the better able to govern ourselves in such things as may appear for H.M. service. *Autograph signatures.* 3 pp. [C.O. 137, 46. No. 46; and 138, 17. pp. 24-26.]

March 13. **539.** Mr. Popple to Mr. Wescomb. *Reply to* 3rd March. Whitehall. Some of the Directors of the South Sea Company having promised to put in writing what they had further to offer, in relation to the duties laid in Jamaica on negroes and flowers, My Lords have yet taken no resolution thereon. [C.O. 138, 17. pp. 26, 27.]

[Mar. 15.] **540.** Memorandum of report by Mr. Attorney and Mr. Solicitor General, on Dr. Berkeley's petition for leave to erect a College in Bermuda *etc.* v. 6th March. [C.O. 37, 28. No. 32].

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March 17. **541.** Duke of Newcastle to Governor Worsley. This will be delivered to you by Mr. Henry Justice, who was employed in the Earl of Lincoln's Office during the greatest part of the time he was Pay Master General, and that the Office has been kept up for making out the accounts, which being now nearly finished, and the young man being willing to try his fortune abroad, his Lop. does earnestly recommend him as one bred to writing and accounts and well qualified for any business of that kind, and of whose fidelity, care and diligence, he has had sufficient experience. I beg leave to recommend him to your protection, and if there should happen any opportunity of your putting him into a suitable employment, I should take yor. goodness to him in it as a particular obligation. *Signed,* Holles Newcastle. [C.O. 324, 35. p. 115.]

March 18. **542.** Mr. Popple to Anthony Balam. Asks for an account of imports and exports of New York "from Xmas, 1720 to Xmas last." [C.O. 5, 1124. p. 356.]

March 19. **543.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before H.M. *Autograph signatures.* 1 p. *Enclosed,*

543. i. *Same* to the King. We have discoursed Henry Rosst concerning the nature of the settlement he proposes to make (*v.* 4th Feb.). There are two small islands, the one called Tucker or Tuckett and the other Dorrell Island lying in the great sound of Bermudas, oposit to Warwick tribe, which, as we are inform'd, are at present uncultivated, and are in your Majesty's disposal, and as Mr. Rosst proposes to plant, settle and improve them, we have no objection why your Majesty may not graciously be pleased to send orders under your sign manual to Col. Hope to grant to petitioner and his heirs, or to any person in trust for him, the said two small Islands under the great seal of Bermuda, provided the same are not already granted to some other person, under the following conditions vizt., That petitioner be obliged effectually to plant and cultivate the said Islands within the space of five years, from the date of the grant to be made; and that he do pay as an acknowledgement to your Majesty, an annual rent of six pence per acre for the same, to commence three years after the date of the said grant. *Autograph signatures.* 2 pp. [C.O. 37, 26. Nos. 35, 35 i; and 38, 8. pp. 29-32.]

March 20. **544.** Mr. Harris to Mr. Popple. Since attending the Board on the subject of the import duty on negroes, has heard that £10 per head has been charged upon two of his ships' cargoes

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some time after the expiration of that duty, it being intended by the next Assembly to renew the duty and compel payment *post factum*. If this duty is confirmed, few negroes can be imported there, as for many years past African traders have seldom gained more than the freight of their ships, consequently this duty is to all intents and purposes a duty laid by the planters of 25*s.* per ton on the freight of all British ships trading to Guinea and Jamaica *etc.* A law for a similar tax in Virginia has been disallowed (30th April, 1724). All the Colonies would certainly find dutys enough to lay on the British trade to maintain their respective Governments, if it was longer to be endured, and such Acts confirmed here. The duty on negroes exported needs a clause to excuse such negroes as are to be carried to other British Colonies, for it is usual to sell part of a cargo at Jamaica and send the rest to Virginia, Carolina *etc.* Other duties may easily be found not injurious to British trade or hard on themselves, as a duty of £15 pr. head on negroes in each plantation or an addition to the quit-rents especially where lands are not cultivated. *Concludes:* It cannot be foreign to this matter to consider to what a condition this Island is reduced, by reason of people being lessened to what it was in former times when it was the terror of the Spaniard, and all others, and that this is owing to the decrease of the small freeholds, by reason of the greater eating up or buying out all the lesser planters and keeping vast tracts of land unoccupied and no sufficient encouragement given to new settlers, wch. if remedied the Island would be trebly more peopled then 'tis in a little time so as to be capable of defending itself and of raising taxes sufficient to support their civil Government without the imme[n]se expences of our fleets in time of warr or without taxing the British trade in time of peace *etc.* *Signed,* Rd. Harris. *Endorsed,* Recd. 24th March, Read 6th April,, 1725. 3¼ pp. [C.O. 137, 16. ff. 34-35v., 36v.]

- March 20. **545.** Mr. Attorney General to the Duke of Newcastle. In obedience to your Grace's commands of 18th instant, I return Governor Shute's Memorial, with reply of the Representatives *etc.* *Signed,* P. Yorke. 1 p. [C.O. 5, 752. No. 26.]
- March 22. **546.** J. Manley to Henry Lascelles, Collector. List of Searcher's fees at Spiegths, Barbados. Note by Searcher: Ships seldom touch at this port, or any vessells but little sloops from New England, and those very few. *Signed,* J. Manley, Searcher. *Addressed.* 1 p. [C.O. 28, 39. No. 20.]
- March 23. **547.** Duke of Newcastle to Governor Worsley. Application having been made by persons of great distinction whom I am desirous to oblige, that Mr. Othnial Haggart may be made one of H.M. Council in Barbadoes, I take the liberty to desire
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that you will transmit his name to be added to the list of persons recommended by you to supply any vacancy that may happen *etc.*, unless you have any objection to the contrary, in which case you will please to let me know it. *Signed*, Holles Newcastle. [C.O. 324, 35. pp. 115, 116.]

March 25. **548.** Petty Expenses of the Board of Trade, Christmas to Lady Day, 1725. £122 15s. 9½d. ¾ p. [C.O. 388, 78. f. 117.]

March 25. **549.** Stationer's Bill for same, Jan.—March 25. £64 2s. 10d. *Endorsed*, Read July 6, 1725. 2½ pp. [C.O. 388, 78. ff. 121–122v.]

March 25. **550.** Postage for same. £22 10s. 6d. *Same endorsement*. 1 p. [C.O. 388, 78. ff. 125, 125v.]

March 27. **551.** Order of King in Council. Approving of report of St. James's. Committee of Privy Council (*set out*, A.P.C. III. pp. 113–115), and ordering that the proceedings commenced in the Court of Chancery for repealing the patent of Robert Cunyngham be not stayed until he surrender his present grant, and agree to accept a new grant, exclusive of the lands now in the possession of John Spooner *etc.* *Signed*, Robert Hales. 2¾ pp. [C.O. 239, 1. No. 32.]

[Mar. 27.] **552.** Petition of John Spooner to the Lords of the Committee of the Privy Council. *Prays* that a short day be appointed for hearing Mr. Cunyngham's petition, it having been found that the *scire facias* agreed upon by them before the Committee cannot be brought till next term, and Spooner's affairs calling for his immediate return to the West Indies. ¾ p. [C.O. 239, 1. No. 33.]

March 27. **553.** Governor Nicholson to the Council of Trade and South Carolina. Plantations. *Refers to* letter of 27th Feb. *Continues*: I thank God the affairs of the Assembly goes on very well tho' they meet with a great deal of trouble concerning the laying of the tax which amounts to £16,658 18s. 1d. to be levied upon lands and slaves *etc.* which was past the 24th of this instant in the evening and I herewith humbly transmitt a rough accot. I had from Collo. Parris as Treasurer but his accots. which are very many and different natures can't be quite finished til please God the Assembly sits again which are adjourned only to the sixth of the next month. I herewith also send your Lordps. a rough accot. which I had from Major Thomas Hepworth one of the three Gent. appointed by Act of Assembly for printing the new bills, those bills in the Treasurer's hands vizt. three thousand odd hundred pounds will be burnt before the Assembly rises which I hope will be in a fortnight after

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their meeting, the Bank Comissrs. have I think already burnt about £2000 out of the £4000 odd hundred and I am in hopes they will receive the remainder in order to be burnt in a fortnight or three weeks and then your Lordps. will please to see by the accot. that there will be £18,000 burnt. I find 'tis a general complaint that the bills are very scarce and that there is a great want of them in order to circulate the trade and this affair of the currency hath taken up much of the Assemblys time both in the House and Committees and the like hath happened about settling the Indian Trade and affairs but I hope in God before the Assembly brake up those affairs will be settled to your Lordps.' satisfaction. P.S. *Refers to enclosure and repeats part of 27th Feb.* Adds a note as to the method of assessing the new tax. *Signed, Fr. Nicholson. Endorsed, Reel. 31st May, Read 18th Nov., 1725. 1½ pp. Enclosed,*

553. i. Account of old bills burnt £66,482 10s. 9d., new bills burnt, £18,788 ; new bills in currency, £87,694 10s. 9d. 27th March, 1725. *Same endorsement. 2 pp.*

553. ii. Account of new bills burnt by the Commissioners of the Bank. *Same endorsement. Copy. 1 p.*

553. iii. Duplicate of preceding.

553. iv. Treasurer's accounts of Feb. 15, 1724–1725. Import and export duties, £16,761 11s. 9d. Balance of bills burnt and to be burnt, £10,678 5s. 1d. *Same endorsement. 2 pp. [C.O. 5, 359. ff. 290, 290v., 291v., 292v.–293v., 294v.–295v., 296v.–297v.; and (abstract of covering letter) 5, 406. p. 24.]*

March 27. **554.** Order of King in Council. Approving appointment of Sir R. Everard (*v.* 27th Feb.) *Signed, Edward Southwell. Endorsed, Reel. 25th March, Read 6th April, 1725. 1½rd pp. [C.O. 5, 1266. ff. 182, 182v., 183v.]*

March 27. **555.** Order of King in Council. Confirming Act of Pennsylvania, *prescribing the forms of declaration of fidelity, adjuration and affirmation instead of the forms heretofore required. Signed, Edward Southwell. Endorsed, Reel. 4th, Read 6th April, 1725. 1 p. [C.O. 5, 1266. ff. 184, 185v.]*

March 30. **556.** Mr. Delafaye to Governor Burnet. *Reply to 24th Nov., 1724.* I have taken care that Mr. Ingoldesby should be called upon to repair to his post *etc.*, also I am told is accordingly gone, and that you may have no difficulty to let my nephew Riggs come over, you will herewith receive H.M. licence for it under ye King's own hand and in ye amplest form ; if I could have thought any thing else necessary it would have been done. As to wt. yor. Excy. mentions concerning Mrs. Riggs, I hope she took some expressions more unkindly than they were meant, being very unwilling to make ye least doubt of your friendship

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for me, or your regard for ye Office in which I have the honour to serve. My Ld. D. of Newcastle approves very well ye method in wch. yor. Excy. writes to him. You will by the next opportunity receive from his Grace an answer to your last letters. I shall then write more fully than I have time to do at present, particularly in relation to Mr. Walpole's affair as Auditor, who most certainly meets with very hard treatmt. I hope the Gentlemen concerned will consider better of it and will esteem (?) that it is both just and necessary that the King's prerogative and the rights of his officers shd. be supported. I could wish all ye other Colonys as well as yours were free from complaints of ye like nature, but ye greater and more general ye evil, ye more urgent is ye necessity of applying proper remedys. You will pardon my warmth in ye cause of a good friend and old acquaintance who on that score claims my particular regard as he does that of all honest men on account of ye very important services he is daily doing to his King and Country in a most critical conjuncture; for certainly no Minister ever acted better or with so great success wch. ye King and all his servants here are very sensible of *etc.* *Corrected draft in Charles Delafaye's hand. 2½ pp. [C.O. 5, 1092. No. 38.]*

March 30.

St. James's.

557. H.M. licence of absence for one year to Lieut. Richard Riggs, "in order to perfect himself in the knowledge of such arts and sciences as may render him the more capable of doing Us service" *etc.* *Countersigned*, Holles Newcastle. [*C.O. 324, 35. pp. 116, 117.*]

March 31.

Boston.

558. Lt. Governor Dummer to the Council of Trade and Plantations. *Refers to* former letter, giving an account of the Indian war. *Continues*:—Which has been excited by the Governour of Canada who has supplied the salvages with all stores of war, has shelter'd them within his Government from our pursuits and has reciev'd them in triumph with the scalps of H.M. subjects slain by this barbarous enemy: which conduct *etc.* seems to me to be a notorious violation of the Treaty of Utrecht and in some respects makes the war with the Indians more difficult then if the French were our declared enemies; For by our successes in the last eight months we have driven them from their own settlements in our neighbourhood to the French territories from whence they make their incursions upon us, in small sculking parties and after mischief done retire thither again, where I am cautious of allowing any of our Companies to pursue them till I know H.M. pleasure in this respect *etc.* Notwithstanding the advantages we have lately had over the enemy and the distress'd circumstances we suppose they are reduced to, the expence of the war is so great and insupportable to this Province that unless it shall please God

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to put a speedy end to it, it will inevitably ruin us ; which I humbly offer to your Lordships consideration to make such a representation thereof to H.M. as you shall think necessary for H.M. service and the safety and protection of these his Provinces. I should not trouble your Lordships any further, but that the French Governour of Canada has given me to understand that he shall address a complaint to his Master on the account of the death of the priest who was killed by our forces in the fight at Norridgewock of which please to take the following account. In the action, in August last, our forces destroyed a great number of the Indians and broke up that settlement among whom was Sebastian Ralle a Jesuit Missionary to that tribe and the great incendiary of this war who was slain in fight making actual resistance to the forces, at the same time attempting to kill an English captive in his hands and refusing to give or take quarter. To which account Colo. Harman Commander of the Forces at Norridgewock made solemn oath before me in Council *etc.* *Refers to Minute of Council. Continues :* This Jesuit had all along pushed the Indians upon their rebellions and marching at the head of two hundred armed salvages through one of the frontier towns of this Province before the war was declared threatned destruction to them if they did not speedily quit the said town, of which and more to this purpose H.E. Govr. Shute is well knowing ; this I thought proper to hint to your Lordships in order to obviate any complaints that may be made by the French Governr. whose conduct in exciting and supporting the Indians in this war and drawing down many remote tribes with whom we have no concern, to their assistance (the truth of which I have sufficient testimonies to support and shall lay them before your Lordships if it be necessary for your satisfaction) should rather have put him upon offering at an apology than a complaint *etc.* *Signed,* Wm. Dummer. *Endorsed,* Reed. 7th, Read 13th May, 1725. 1 $\frac{3}{4}$ pp. [C.O. 5, 869. ff. 80, 80v., 81v.]

April 2.
Admiralty
Office.

559. Mr. Burchett to Mr. Popple. H.M.S. *Argyle*, *Ludlow Castle* and *Greyhound* being design'd convoy to Newfoundland this year, and Captain Boulter, Comd. of the *Argyle*, being the Commadore, *asks for Instructions and Heads of Enquiry*, as usual *etc.* *Signed,* J. Burchett. *Endorsed,* Reed. 4th. Read 6th April, 1725. *Addressed.* 1 p. [C.O. 194, 7. ff. 223, 224v.]

April 5.

560. Petition of William Frye of Mountserrat to the King. Governor Hart charges petitioner, who has been a Member of Council of Montserrat for over 20 years, with having represented Col. Bramly to be disaffected, whereupon he was removed from that Council. Petitioner immediately answered that he never made any such representation, as alleged, to the late

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Governor, Mr. Hamilton. The Governor thereupon declared that this was giving him in indirect terms the lie; and (without obtaining the consent of the Council) suspended petitioner till H.M. pleasure should be known. Petitioner has already remained suspended above twelve months. The Governor was at that time labouring to get a settlement in addition to his salary from the Council and Assembly, and to get a majority, swore into the Council Bramly and James Cruickshanks, tho' there were then eight Members of the Council present, contrary to his Instructions *etc.* *Prays for redress.* 1½ pp. *Subscribed,* 560. i. Whitehall, 5th April, 1725. H.M. refers this petition to the Council of Trade and Plantations *etc.* *Signed,* Holles Newcastle. ¼ p. *The whole endorsed, Recd.,* Read 20th April 1725. [C.O. 152, 15. ff. 7, 7v, 8v.]

April 6. **561.** Mr. Popple to Mr. Serope. Encloses draft of bond to Whitehall. be entered into by Depty. Governor Sir R. Everard. for observing the Acts of Trade *etc.* [C.O. 5, 1293. p. 343.]

April 6. **562.** Petition of Thomas Salmon to the Council of Trade and Plantations. After serving at Placentia for 9 years as Head Armourer, petitioner then received his discharge from the Board of Ordnance and entered the Fishery trade, maintaining a wife and 5 children and 20 servants thereby. Lt. Govr. Samuel Gledhill being envious of him, and designing to ruin him, endeavoured to force him to buy brandy, rum and other commodities of him at very extravagant rates. Upon petitioner's refusal, the said Governor caused him to be forced out of his house by a serjeant and file of soldiers, in Oct. 1723. Petitioner left for England in said month, and on 7th Dec. the Lt. Governor ordered a serjeant and file of soldiers to bring petitioner's wife, (then big with child) into the Garrison, where he violently assaulted her, and after a long imprisonment kicked her out of the said Garrison. In Jan. followeing, the Governor ordered a serjeant and file of soldiers to bring petitioner's daughter (not 14 years of age) where he violently assaulted her and (without cause) ordered her to be drummed thro' the town to the great prejudice of her reputation. This usage so sorely afflicted petitioner's wife, that, after seven days' illness, she was taken in labour before her time, upon which she sent for one Mrs. Clarke the onely person there who undertakes that emergent affair. But the said inhuman Governor would not suffer her to assist her, on pain of being severely whipped. Petitioner's wife and daughter some time after were again forced by a serjant and file of soldiers from petitioner's house into the Garrison, were kept some time prisoners there, and very much beaten by the Governor's wife. Petitioner hath been since forced into the Garrison, and there kept prisoner some time, to the great loss of his trade and fishery. The said Governor,

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contrary to his Instructions, doth monopolise and engrosse to himself the greatest part of wines and other merchandizeable commodities which come to Placentia, and sells the same again to the inhabitants att very extravagant rates *etc.* Those who will not deal with him he puts prisoners on the guard, which failing he uses them so barbarously, that they are obliged to quit the place or be ruined. Petitioner is now forced with his wife and six children from his houses to shelter in the woods *etc.* *Prays for enquiry and reparation etc.* *Endorsed, Recd.,* Read 6th April, 1725. 1 large p. *Enclosed,*

562. i. Deposition of John Linthorn, mariner, that Thomas Salmon is a very fair honest man and that Governor Gladhill oppressed him without cause *etc.* The copy hereunto annexed is a true copy of the original, and the hindrance specified in said copy was by Governor Gladhill *etc.* 26th Feb., 1725. *Signed, J. Bennett.*
 $\frac{3}{4}$ p.

562. ii. Certificate to Captn. John St. Lo., H.M.S. *Ludlow Castle*, that Thomas Salmon is a sober carefull man, and hath dealt with us for considerable summs *etc.*, and encourages trade here very much, and would more, if was not hindred *etc.* *Signed, Wm. Halls, Admiral and 8 others. Addressed.* 1 p.

562. iii. Deposition of Mary Baldwin. *Confirms* Governor Gladhill's treatment of Mrs. Salmon *v. supra.* 19th March, 1725. *Signed, Mary Baldwin.* 1 p. [C.O. 194, 7. ff. 225, 226-227, 229, 229v.]

April 6. **563.** Mr. Popple to Mr. Burchett. My Lords desire to
Whitehall. speak with Capt. St. Loe next Thursday, observing that Capt. Bowler in his answers to Heads of Enquiry refers to him for several facts. [C.O. 195, 7. p. 133.]

April 7. **564.** Mr. West to the Council of Trade and Plantations. *Report upon* Act of S. Carolina, 1723, *for settling the estate of Richard Beresford decd.* The Act discussed at length. Though in strictness of law this Act is highly prejudicial to the parish of St. Thomas, yet as the parish does not oppose it, and equity is strong for the infant provided for by it, it may justly be passed *etc.* *Signed, Richd. West.* *Endorsed, Recd.* 8th April, 1725, Read 14th Feb. 1725. $5\frac{1}{2}$ closely written pp. [C.O. 5, 360. ff. 86-88v., 89v.]

April 12. **565.** Governor the Duke of Portland to the Council of
Jamaica, Trade and Plantations. *Refers to* letters *etc.* of 30th Dec. and
Spanish 8th Feb. *Encloses* duplicates by H.M.S. *Launceston.* Nothing
Town. material has happened lately *etc.* *Awaits* with impatience answers and directions to former letters. *Continues:* I have been inform'd by letters from England that what had past here,

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concerning the *Chandois* and sooner *Esperance* had been represented from hence in such a manner as to make some of my friends uneasy *etc.* *Refers* to former letters (v. 13th July, 1724 *etc.*). *Continues* : I don't question but that in case any one of those who thinks himself injur'd, should think proper to make any further complaints, to give such answers as wou'd convince everybody that their threatenng and insulting behaviour did not deserve the indulgence they met with from me *etc.* The Instructions I have concerning the Acts of Trade are drawn in such terms, as that no man would think it advisable, or in the least prudent to trifle wth. them, and as it is my duty to observe all my Instructions to the best of my judgment and power, I think it wou'd be putting a hardship upon me, shou'd any one expect that upon any account he ought to be complimented by overlooking any, but more particularly those which concern the Acts of Trade. As to what concerns the Admiralty Court, and the proceedings there, it was with the utmost difficulty, I cou'd prevail with any body to sit there as Judge. All those I apply'd to excus'd themselves as being unwilling to draw the ill will of any of their friends upon them, dreading the trouble and consequences which they apprehend allways attends it, and that without any prospect of profit or reward that can be an equivalent ; I cou'd prevail with none to officiate but Mr. Attorney General, notwithstanding all my assurances that no care or support the Government cou'd give them, sho'd be wanting. I can assure your Lordships that it is not without more than ordinary difficulty, one sees the least regard paid to any laws or instructions which also is constantly attended with clamour, particularly where there has been a total neglect in all respects ; The Attorney Genll. met with sufficient rubs about that affair. The Officers of the Court by their behaviour, I mean the Register and Provost Marshall, attempted upon encouragement to ridicule his proceedings, to execute the decrees according to their own judgments, as far as wou'd best serve their private purpose and no further, which does more fully appear by the copy's I have transmitted to your Lordships. (It is to be observ'd that the Register gives no security.) Upon this he was obliged to put them under confinement, their behaviour then, supported by their friends, was so provoking, so daring, and so insulting, as to require the interposition of the Government, to prevent the intended disorder. Two of the Assistant Judges who were chiefly concern'd in this, had their quietus sent them. I hear some complaint is made concerning this. I can affirm that their behaviour consider'd by it's self, in any office deserv'd it, but when they wou'd stretch their authority to support confusion, and even act beyond their Commission, contrary to law, and the usuall custom of the countrey, it was time to put a stop to their pretended power. First as they wou'd set those Gentlemen

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at liberty upon the Habeas Corpus, Judges are always carefull how they proceed with respect to any Officers of a Court, under censure or confinement, by order of that Court for contempt; secondly, my Instructions against admitting the Habeas Corpus to be in force here, but thirdly suppose it was in the manner as has been practis'd here for the ease of the subject, it is the Chief Justice only, who has admitted people to bail upon the Habeas Corpus, and the Assistant Judges never assume any such authority but in case the Chief Justice be incapable by indisposition to act, or out of the way, even then, it is not in the power of any of the Assistant Judges to act by themselves, and out of Court, as these pretended to do. Their Commission gives them no such power, but they must act in Court, and their number must be three to make a quorum, so that their intended proceedings had nothing for it's support but their desire to create trouble. As to the Officers under confinement by order of the Court I can't guess what complaint they can make, for as soon as they thought proper to take any notice of me, to acquaint me by message that they were confin'd, and desired my interposition, promising that they wou'd remove all cause of complaint, I receiv'd their message with civility, and they were immediately set at liberty. But besides, the pretended reasons these officers gave for their behaviour, appear to be in opposition to my instructions concerning appeals. As to the regulation of the fees I must observe, that I was surpris'd at their bills which were nothing but extortion, I would have moderated them thinking them not consistent with precedents, and against the known rules and laws, but my endeavours have been to no purpose; so that they can't complain upon that head; as matters have been quiet here since and every body at ease, I thought they wo'd have been well contented, with having met with no such severe usage, as their behaviour might have given them just grounds to expect. They have never been able to perceive the least resentment in me for what had past, I overlook'd it all, without taking the least notice of it, but thought it incumbent upon me to put a stop and not to suffer the Assistant Judges (who ought always to shew their discretion) to proceed upon imaginary notions, beyond the power given them by their Commission contrary to law and Instructions. I hope no fault can be found with that, but on the contrary will be approved; If the Government shou'd sit still, on those occasions and not act with prudence and resolution, there wou'd soon be an end of laws, Instructions and Government, and I flatter myself that no misrepresentations can meet wth. any credit at home, but that what I have so often represented (considering the nature and temper of the people here) as highly necessary, wch. is the granting of all possible support and countenance from home, will be given to enable me the better to perform my duty, and discharge my trust. By what I

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have said in as few words as I cou'd (to avoid trespassing upon yor. Lordps. patience) only to shew what part I have acted in that affair, wch. in my judgment was necessary to preserve the peace and dignity of the Governmt., I hope this matter will give no further trouble. Ever since the last sitting of the Assembly there has hardly been any body in town, this being the busy time to get in the crop of sugars. What I of late have chiefly been employ'd about, has been in the care of sending out partys to destroy if possible the runaway and rebellious negros. It is surprising that to put this in execution, sho'd be attended wth. so much trouble and so many difficulty's. I thought after I had given the necessary orders, as it generally is a time when the town is empty and can best be spar'd from business, that I might for a few days go to see some parts of the countrey, wch. I did, and was very well pleas'd wth. but soon perceiv'd that any stay wou'd have been inconvenient and that my return was necessary *etc.* P.S. Refers to enclosures *etc.* *Signed*, Portland. *Endorsed*, Recd. 11th, Read 23rd June, 1725. $4\frac{1}{2}$ pp. *Enclosed*,

565. i. Proceedings relating to the condemnation of some French indigo seized on board the ship *Nassau*, 1718, with accounts, in reply to petition of Isaac Miranda *etc.* *Endorsed as preceding*. *Copy*. 6 pp. [C.O. 137, 16. ff. 90-92, 93v., 95-105v., 107-114v, 116v.]

April 12. **566.** Governor the Duke of Portland to the Duke of Newcastle. *Repeats* preceding covering letter, acknowledging, in conclusion, letter of 30th Nov. "in favour of Mr. Chamflour as recommended by Count Broglio the French Ambassadour," *etc.* Sends duplicates to Mr. Stevenson. *Signed*, Portland. *Endorsed*, R. 9th June, 1725. $4\frac{1}{2}$ pp.

Jamaica,
Spanish
Town.

566. i. Extracts of Minutes of the Council and the Assembly of Jamaica, Jan., Feb. 1725. 15 pp.

566. ii. Duplicate of 8th Feb. letter.

566. iii. Duplicate of 30th Dec. letter. [C.O. 137, 52. ff. 125-132, 135-137, 138v., 139-141v., 142v., 143-150v.]

April 13. **567.** Deposition of Elizabeth, wife of John Barnes, lately gunner at Placentia. *Confirms* Thomas Salmon's statements as to Lt. Governor Gledhill engrossing provisions and retailing them and liquor at exorbitant rates, and detaining Salmon in garrison for buying provisions on board ship and not from him *etc.* (v. April 6th supra.) *Signed*, Elizabeth Barnes, her mark. *Endorsed*, Recd., Read 14th April, 1725. 1 p. [C.O. 194, 7. ff. 254, 255v.]

April 14. **568.** Deposition of Henry Bishop, blacksmith, late of Placentia. *Confirms* preceding, testifies to Salmon's honesty, and declares that Governor Gladhill "sadly molests H.M. good

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subjects at Placentia by his arbitrary Government, so that a great many are thereby deterred from settling" there *etc.* *Signed*, Henry Bishop. *Endorsed as preceding.* 1 p. [C.O. 194, 7. ff. 256, 257v.]

April 13. **569.** Mr. Popple to Mr. Attorney and Mr. Solicitor General. Whitehall. Presses for replies to queries from Mr. Drysdale (v. 13th Aug. and 25th Nov. 1724), and asks for opinion upon the case of a mate killed by a shot from a fort in Barbados (v. 16th Nov.) [C.O. 29, 14. pp. 208, 209.]

April 14. **570.** Council of Trade and Plantations to the Duke of Newcastle. Whitehall. *Refer to* letter of Jan. 26th, *and quote* Governor Worsley's letter of Jan. 24th relating to French designs upon Tobago. *Continue:* We desire, your Grace will be pleased to lay this before H.M. for his orders thereupon, that Mr. Worsley may know how to govern himself upon so important an occasion. We shall only take further leave to acquaint your Grace, that the Island of Tobago is of very great consequence, being esteemed the most fertile of all the Charibbees, and does certainly of right belong to the Crown of Gt. Britain. We enclose a copy of the French Captain's letter, by the terms of which your Grace will please to observe that the French do pretend a right to Tobago, Mr. Worsley's answer does also assert a right on H.M. behalf. *Autograph signatures.* 2 pp. *Enclosed,*
570. i, ii. Copies of *Nos.* 478 i, ii. [C.O. 285, 2. *Nos.* 3, 3 i, ii *and (without enclosures)* 29, 14. pp. 409, 410.]

April 15. **571.** Mr. Popple to Mr. West. Whitehall. Encloses for his opinion in point of law 22 Acts of S. Carolina passed 1722-24. *Mem.:*—These were returned without any report and sent to Mr. Fane. v. 27th Sept. [C.O. 5, 400. p. 217.]

April 15. **572.** Certificate from the Remembrancer's Office that Governor Sir R. Everard has given the security required to observe the Acts of Trade *etc.* *Signed*, Tho. Eyre. *Endorsed*, Reed., Read 16th April, 1725. $\frac{1}{2}$ p. [C.O. 5, 1266. ff. 188, 188v.]

April 16. **573.** Governor Phenney to the Council of Trade and Plantations. N. Providence. *Repeats matter of following and request for* "a small man of war always ready to pursue those pyratival rovers and secure our navigation, our country vessels being long in equipping and thereby gives the enemy too much time to escape." *Signed*, G. Phenney. *Endorsed*, Reed. 16th July, Read 19th Aug., 1725. $1\frac{1}{2}$ pp. *Enclosed,*
573. i. Replies to Board of Trade Queries. *Duplicates of* (a) Dec. 24, 1723 and Dec. 3, 1724.
573. ii-viii. Duplicates of following *Nos.* ii-x. [C.O. 23, 1. *Nos.* 56, 56 i-viii.]

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N.

Providence.

574. Governor Phenney to the Duke of Newcastle. *Acknowledges* additional Instruction relating to imposition of duty's on European commoditys *etc.* *Refers to* letter of 3rd Dec. and enclosed gunner's inventory, *and repeats* application for stores of war. *Encloses* annual papers and "an affidavit of a master of one of our sloops, lately taken by Augustin Blanco a noted pirate of Baracoa on Cuba who is still amongst these Islands. I have sent two sloops in quest of him, in one of which is a detachment of the Garrison, and hope for a good account of them, he having been an old robber among these Islands about 25 years. The master escaping with his sloop brought away Augustin's Commission (*encl.* ii). Under pretention of these Guard de Costa Commissions the Spaniards often come and plunder our distant settlements and pyracically take such vessels as they find lading with salt and other the produce of these Islands, to which your Grace will perceive by the affidavit they make a verbal pretension. I shall continue my diligence on the fortification humbly beseeching your Grace to take our wants into your consideration" *etc.* as 6th July, 1724. P.S. Since writing the above, our sloops are returned without effect. I am preparing proper papers to send by the sufferers to Cuba with an estimate of their losses. The behaviour of the Spaniards in this affair shall be faithfully transmitted to your Grace. *Signed*, G. Phenney. *Endorsed*, R. July 15. 2 pp. *Enclosed*,

574. i. Description of Bahama Islands, soil and trade. *cf.* Dec. 3, 1724 *etc.* 3½ pp.

574. ii. Commission to Augustin Blanco as Guarda Costa. *Signed*, Don Carlos de Suere, Governor of Santiago de Cuba. 24th Nov. 1725. *Spanish.* 2¾ pp.

574. iii. Deposition of John Cullimore, Mariner. N. Providence. 16th April, 1725. Deponent was captured on board a sloop (*Snapper v. No. v.*) about 24th March last by Augustin Blanco in a periagua from Baracoa, but escaped near Islathera. Blanco threatened to come and take Providence and give no quarter, the Bahama Islands belonging to the Spaniards, and saying that his commission extended to take such vessels as he found loaded with salt and braziletto amongst sd. Islands. *Signed*, John Cullimore. *Copy.* 1 p.

574. iv. Deposition of Ridley Pindar and William Addams, Mariners. N. Providence. 22nd April, 1725. *Corroborate preceding.* *Conclude:* Blanco said the Governor forced him to come among the sd. Islands and ordered him to carry home all the prisoners he should take of the inhabitants to build him a fort. *Signed*, William Addams, Ridley Pindar. *Copy.* ½ p.

574. v. Deposition of Richard Thompson senr. N. Providence. 22nd April, 1725. Blanco landing on Islathera, took from him his son John Thompson and Boyer Gething

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an orphan in his care, negroes and goods to the value of 3500 ps. of $\frac{8}{3}$. Deponent asked if there was any war. Blanco answered that he had a Commission and would make prize of all vessels belonging to these Islands, but not the old England vessels, for that these Bahama Islands belonged to the Crown of Spain. *Signed*, Richard Thompson. *Copy*. $\frac{1}{2}$ p.

574. vi. Deposition of Richard Thompson jr. *Confirms* Nos. iv and v. *Signed*, Richard Thompson. *Copy*. $\frac{1}{2}$ p.

574. vii. Deposition of Thomas Petty, Commander of the sloop *Snapper* of N. Providence. 15th April, 1725. Being on a voyage making oil amongst these Islands and proceeding therewith near Ragged Island one of the Bahamas and bound for Jamaica, was taken by Blanco *etc.* *Corroborates* Nos. iii-v. *Signed*, Thos. Petty. *Copy*. $1\frac{1}{4}$ pp.

574. viii. Account of Revenue of the Bahama Islands, 1724. *Cash received* from duties 656. $3\frac{1}{2}$; fines 110. $5\frac{1}{2}$; duties for the Church 161. 4. Subscriptions for the Church 284 $7\frac{1}{2}$. Carried forward to 1725 560. 6. *pieces of eight*. *Total*: 1774. $2\frac{1}{2}$ ps. $\frac{8}{3}$. *Debit*: Governor Phenney's account of Contingent charges, 37. $2\frac{1}{2}$. from the Baha, Compa. Storehouse 211. 4.; gunners at Fort Nassau. 91. 4. Governor Phenney for the Church frame, 402, and disbursements for same 155. 5. Saml. Lawford for work at the Church 100.; Will. Fairfax disbursements. for ditto, 40. 2; Thomas Reston's do. 131. 7; Sundries from the Baha. Storehouse for do. 318. $5\frac{1}{4}$; boards for flooring the Church 20. *Total*, (including balance of account for 1723, 265. $4\frac{3}{4}$), 1774 $2\frac{1}{2}$ ps. $\frac{8}{3}$. *Signed*, Pr. Goudet, Treasr. Sworn and examined in Council, W. Fairfax, Clk. Council. 2 pp.

574. ix. Account of powder and stores of war wanting for the fort and garrison of Nassau. *Signed*, Pr. Goudet, Str. Keeper, John Allen, gunner. Fort Nassau. 1st Jan., 172 $\frac{4}{3}$. $1\frac{3}{4}$ pp.

574. x. Account of powder and stores of war brought by Governor Rogers and Governor Phenney, and what remained 12th Nov., 1721 and 1st Jan., 1725. *Signed as preceding*. $2\frac{1}{2}$ pp.

574. xi. Petition of the Governor and Council of the Bahama Islands to the King. *Refer to* raids in 1682 and 1683 by Spaniards from Cuba. Since the last cessation of arms a crew of Spanish privateers under the command of Augustin Blanco of Baracoa (having a commission from the Governor of St. Jago de Cuba) under the same pretension of right to these Islands and their produce landed on Cat Island, made prisoners of the inhabitants

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and plundered their effects burning, destroying and taking their sloops. Complaint being made to Don Gregorio Guazo Calderon, who stil'd himself Governor and Capt. General of the City of the Havana and Isle of Cuba, he answer'd that the governments of St. Iago and Baracoa were out of his jurisdiction. *Describe* Blanco's capture of the *Snapper* and plundering of Islathera *as above*. The Governor with the Independent Company and negroes belonging to the inhabitants has repaired and made such additional works to the fortifications of the Island of Providence as secures the town of Nassau and harbour from their depredations, but most of the inhabitants subsisting themselves by cutting the dye woods and raking salt on the out Islands where the Garrison cannot protect them, they are liable to the insults and plundering of the Spanish privateers, which hath terrified and driven away divers of the inhabitants to the more No'ern Colonys, and deterrs others from coming to settle amongst us to the great detriment of trade and hindrance of the culture of these Islands. Gun carriages (which we cannot get made here) are much wanted, so that most of the greatest guns are dismounted; the remainder of our powder notwithstanding our greatest care decays, and several species of warlike stores entirely wanting. *Pray* H.M. to order a small ship of war for the security of navigation, and a supply of warlike stores *etc*. New Providence, 23rd April, 1725. *Signed*, G. Phenney, Ken. Fraser, Simon Ferrall, J. Howell, Williamth Spatchers, Richard Thomson sr. and jr., William Jones,th W. Fairfax. 1 *large p.* [C.O. 23, 13. ff. 189-208.]

April 16. **575.** Council of Trade and Plantations to the King. *Re-*
Whitehall. *commend* Philip Livingston for the Council of New York in place of Gerardus Beckman decd. [C.O. 5, 1124. p. 357; and (rough draft) 5, 1079. No. 139.]

April 16. **576.** *Same to Same.* Having received a certificate that
Whitehall. Depty. Governor Sir R. Everard has given the usual security of £1000 for his observance of the Acts of Trade and Navigation, *enclose* draught of instructions to the Lds. Proprietors of Carolina relating thereto, "being to the same effect as those given to the Proprietors of other Plantations on the like occasion." [C.O. 5, 1293. p. 344.]

April 17. **577.** Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. *Reply to 13th.* We are of opinion that the matross, who fir'd the shot cannot be tried for the death of the mate in any Court of Common Law, but that he ought to

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be tried either in the Court of Admiralty in Barbados, or by special Commission under the Statute of 11 & 12 W. III, which is now the most known and usual method of proceeding in cases of felonies done upon the sea in those parts. *Signed*, P. Yorke, C. Wearg. *Endorsed*, Reed., Read 20th April, 1725. *Subscribed*,

577. i. Extract of Governor Worsley's letter Jan. 24, relating to the shooting of the mate of the *St. Christophers* galley. *The whole*, 2 pp. [*C.O.* 28, 18. *ff.* 160, 160v., 161v.]

April 19.
Whitehall.

578. Duke of Newcastle to the Council of Trade and Plantations. *Acknowledges* representation of 14th instant, concerning the right pretended by the French to the Island of Tobago, which agrees with the advices I received at the same time from Governor Worsley. I am sensible, that what you have represented upon that head, is of importance to the King's service in those parts, and accordingly I will not fail to move H.M. for his commands upon it. In the mean time it may be proper, that you should let Mr. Worsley know this matter is under consideration, and that, till such time as he shall receive H.M. more particular directions upon it, he should continue to inform himself of the further proceedings of the French upon this occasion, and to insist upon H.M. undoubted right to the said Island. *Signed*, Holles Newcastle. *Endorsed*, Reed. 20th, Read 21st April, 1725. $1\frac{1}{2}$ pp. [*C.O.* 28, 18. *ff.* 201, 201v., 202v.]

[April 20].

579. *Enclosed in preceding following letter.* Proceedings of Court of Chancery, Barbados, 30th Sept., 1724—19th March, 1725. $15\frac{1}{2}$ pp. [*C.O.* 33, 27. *No.* 4.]

April 20.
Barbados.

580. Governor Worsley to the Duke of Newcastle. *Encloses* Acts passed since 24th Jan., vizt., an Act to repeal Act for laying a duty on wines etc., and an Act for the preservation of fish; Minutes of Council, 29th Dec.—17th March last; of Court of Chancery, 30th Sept.—19th March; and of Assembly, 24th Sept.—13th April, and following. *Signed*, Henry Worsley. *Endorsed*, Rd. 10th June. 3 pp. *Enclosed*,

580. i. List of fines (£23) at the Grand Sessions of Barbados, 8th—11th Dec., 1724. *Signed*, Cha. Browne, Dep. Cl. Cor. $\frac{3}{4}$ p.

580. ii. List of cases (12) at above Sessions. *Signed as preceding.* $1\frac{1}{2}$ pp. [*C.O.* 28, 44. *Nos.* 93, 93, i, ii.]

581. Same to the Council of Trade and Plantations. Duplicate of preceding. *Signed*, Henry Worsley. *Endorsed*, Reed. 10th, Read 23rd June, 1725. 3 pp. *Enclosed*,

581. i. Duplicate of Encl. i preceding. [*C.O.* 28, 18. *ff.* 213—215, 216v.]

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April 21. **582.** Mr. Popple to Mr. West. Encloses, for his opinion
Whitehall. in point of law, Act of Barbados, 1724, *for laying an imposition upon wines, etc.* [C.O. 29, 14. p. 410.]

April 21. **583.** *Same* to Mr. Burchett. My Lords Commissioners
Whitehall. directed me to send some of the Heads of Enquiry to Capt. St. Lo, for his particular answer, but as he is gone out of town *etc.*, I am to desire you will remind him thereof. *Encloses following.*

583. i. Heads of Enquiry for the Commodore of the Newfoundland Fishery. *The same as usual, with addition of Article 51:—*And whereas George Skeffington has erected a salmon Fishery in Freshwater Bay, Ragget Harbour, Gander Bay and Dog Creek, and a second is since erected by other persons at Grand Salmonier, Little Salmonier, *etc.*, which may prove of advantage to Great Britain, it will be necessary that you give all due encouragement and protection to that undertaking, whereof you will inform yourself, and transmit the fullest account you can to the Lords Commissioners for Trade *etc.*, and *Article 52:—*And whereas it appears by an Association entered into by the inhabitants of the Harbour of St. Johns, and several proceedings had thereupon in the winter between the fishing seasons in 1723 and 1724 *etc.*, that they have elected three persons there, to administer justice amongst them during the winter season who have thereupon exercised a judicial authority as well concerning the rights of private property and possessions in question or dispute between the inhabitants there: as also in inflicting corporal punishments on criminals; you are therefore to make dilligent enquiry into the proceedings of this voluntary new Association, that due care may be taken to prevent any ill consequences from thence to such of H.M. subjects as shall remain in the sd. Island, during the winter seasons. [C.O. 195, 7. pp. 134–136.]

April 24. **584.** Mr. Popple to Mr. West. Encloses 22 Acts of New
Whitehall. York, titles given, 1723, 1724, for his opinion in point of law. [C.O. 5, 1124. pp. 358–363.]

April 26. **585.** Capt. St. Lo to Mr. Popple. Encloses following,
Ludlow “When I return next to England, I hope to give their Lordps.
Castle, a more full acct.” *Signed*, Jon. St. Lo. *Endorsed*, Recd. 27th
Spithead. April, Read 23rd June, 1725. *Postmark. Addressed. 1 p. Enclosed,*

1725.

585. i. Answers to Heads of Enquiry. (i) No French inhabitants are remaining at St. Peters. At Placentia there are about 25 French and those servants to our Planters and are subject to our laws. (ii) Have been informed by the Governors of Placentia that the French do hunt and furr sometimes in the Bay of Fortune and D'Espoir. *Signed*, Jon. St. Lo. 2 pp. [C.O. 194, 7. ff. 267, 268v., 269, 270v.]

April 26.
St. James's.

586. H.M. Warrant to Mr. Attorney and Mr. Solicitor General. *Recites* petition for erecting a College in Bermuda, (v. 16th Feb.) with reports of Council of Trade and Attorney and Solicitor General upon it, "proposing some alterations in the scheme thereunto annexed, which we have thought fit to approve." *Concludes*: We taking the premisses into our Royal consideration, and being willing to encourage a design tending to the propagation and advancement of true religion, piety, good manners, and usefull learning among Our subjects in the plantations in America and the neighbouring Nations of Indians, are graciously pleased to condescend to the petitioner's request. Our will and pleasure therefore is that you prepare a bill for Our royal signature to pass Our Great Seal containing Our Charter for the founding, erecting and incorporating a College in Our said Islands of Bermuda, with all such powers, libertys, privileges, advantages and restrictions as are contained in the Scheme or Schedule of Heads hereunto annexed; and you are to insert in the said bill all such other clauses and provisions as are usual in grants of the like nature, or as you shall think requisite and necessary to make this Our intended Charter most full and valid in the law, and most effectual for the purposes abovementioned. *Countersigned*, Holles Newcastle. *Annexed*,

586. i. A Scheme or Schedule of Heads to be inserted in a Charter for founding, erecting and incorporating a College in the Islands of Bermuda. That in order to propagate the Gospel among the savage Americans, and for the better supplying of churches in the foreign Plantations, there be a College consisting of a President and nine Fellows founded in Bermuda by the name of St. Paul's College. That Dr. George Berkley be appointed President of the said College; that the three first Fellows be William Thomson, Jonathan Rogers, and James King; That the said President and the majority of the said Fellows chose the rest to the number of nine, which election so by them to be made, shall nevertheless be subject to H.M. Royal approbation. That the said Society be obliged to educate the savage Americans, and supply them with cloths, lodging and diet at the rate of £10 per annum for each. That upon a vacancy the naming a new President

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from among the aforesaid Fellows be reserved to H.M. and his successors for ever. That upon Fellowships becoming vacant, new Fellows be elected by the President and majority of the Fellows within a year after the vacancies happen, otherwise they be appointed by the Right Reverend Father in God the Lord Bishop of London for the time being. That the said College be an incorporate body empowered to receive or purchase lands, tenements or hereditaments not exceeding in the whole 1000 acres of land in the said Bermuda Islands, and that their revenue in any other part of H.M. Dominions do not exceed £2000 a year, to plead and to be impleaded, to keep a common seal, and to do all those things, that any other person or lawfull subject is empowered to do. That the said President and Fellows shall have power to make statutes from time to time for the better government of the said College, *etc.* The Visitor to be the Bishop of London, and the Chancellor, H.M. Principal Secretary of State. That the College have a power of conferring degrees, performing acts and choosing academical officers *etc.* Other regulations as to ordering the College. *Concludes* : That the said Society be obliged to send over a yearly account of the number and progress of their scholars, their statutes and remarkable incidents to the Chancellor and Visitor. That the said President and Fellows or any of them having benefices or preferments in Great Britain or Ireland, be allowed to be absent from such benefices or preferments during the space of a year and a half from their arrival in Bermuda, during which time of absence they shall be empowered to enjoy and receive the same advantages from their preferments in these Kingdoms, as if they were not so absent, provided always that the said preferments or benefices are of such a nature as that they may be legally dispensed with by us, Our Heirs and Successors in the manner aforesaid. That all in office under H.M. be required to give aid and assistance to the protection and preservation of the said College. [C.O. 324, 35. pp. 118-125.]

April 27. **587.** Mr. Popple to Mr. West. Encloses, for his opinion in point of law, 5 Acts of Jamaica, passed in Nov., 1724. [C.O. 138, 17. pp. 27-29.]

April 28. **588.** Council of Trade and Plantations to the Duke of Whitehall. Newcastle. Enclose following to be laid before H.M. *Autograph signatures.* 1 p. *Enclosed,*

1725.

588. i. Council of Trade and Plantations to the King. *Representation upon* petition of Wm. Frye. *Quote* their letter to Governor Hart (v. 20th Aug., 1724). *Conclude*: Since which having heard nothing from Col. Hart, we would humbly propose to your Majesty, that Mr. Frye may be restored to his place in Council, *etc.* *Autograph signatures.* 3 $\frac{2}{3}$ pp. [C.O. 152, 40. Nos. 14, 14 i; and 153, 14. pp. 186-189.]

April 28. 589. Mr. Popple to Col. Sadler. Enquires whether he
Whitehall. has any licence to be absent from the Council of Jamaica, and whether he intends to return *etc.*

A similar letter was written to Capt. Gregory and Col. Risey. [C.O. 138, 17. p. 30.]

April 28. 590. Council of Trade and Plantations to the King. Re-
Whitehall. commend Richard Mill to succeed Mr. Bernard, resigned, in the Council of Jamaica. [C.O. 138, 17. pp. 30, 31.]

April 29. 591. Council of Trade and Plantations to the King.
Whitehall. Recommend Ralph Weeks and Abel Allen for the Council of Barbados in the room of Mr. Elliot and Mr. Carter deed. [C.O. 29, 14. p. 411.]

April 29. 592. Mr. Popple to Mr. Burchett. Encloses extract of
Whitehall. another letter from Governor Worsley, relating to Capt. Cooper. [C.O. 29, 14. p. 411.]

April 29. 593. Council of Trade and Plantations to Governor Worsley.
Whitehall. *Acknowledge* letters of 18th Oct., 16th Nov., 1724, and 24th Jan. 1725 *etc.* *Continue*:—So soon as we have the opinion of Mr. West *upon the Excise Act* we shall lay the same before H.M. *etc.* We have sent extracts of your letters in relation to *the French and Tobago* to the Duke of Newcastle *etc.* This matter therefore being at present under H.M. consideration, till you shall receive more particular directions therein, it will be necessary that you should continue to inform yourself from time to time of the further proceedings of the French, of which you will advise us, and that you should insist upon H.M. undoubted right to the said Island. We have also sent extracts of what you have written in relation to the behaviour of Capt. Cooper to the Lords of the Admiralty, which we doubt not will have proper weight with their Lordships. *Quote* opinion of the Attorney and Solicitor General as to the method of trying the matross who shot the mate referred to 24th Jan. [C.O. 29, 14. pp. 412, 413.]

April 30. 594. Governor Nicholson to the Council of Trade and
Charles Plantations. *Refers to* enclosures and letter of 27th March *etc.*
Town. *Continues*:—They are preparing copys of the laws past as like-

1725.

wise the journalls of the Council and Assembly and I hope in God to have the honour of presenting them to your Lordships I designing to embark on board the *Cleveland* the 16th or 17th of May. The Assembly desired to adjourn to the 11th of May because the time of year required their being at home for to plant their rice Indian corn *etc.* and there are Committees appointed to draw petitions addresses *etc.* to his most Sacred Majesty, as likewise the state of this H.M. province, all which I hope to have the honour of presenting to your Lordships and you may be pleased to see in the list of Acts there is one appointing the Honble. Francis Yonge Esq. to be Agent a copy of which I herewith transmitt to your Lordships, as likewise the Commons house of Assembly their Address to him who is your Lordships Most obliged obedt. faithfull, humble servt., *Signed*, Fr. Nicholson. *Endorsed*, Recd. 22nd June, Read 18th Nov., 1725. $1\frac{1}{4}$ pp. *Enclosed*,

594. i. List of laws passed by the present Assembly. *Signed*, Fr. Nicholson. *Endorsed*, Recd. 5th July, Read 18th Nov., 1725. $1\frac{1}{4}$ pp.

594. ii. Address of the Commons House of Assembly to Governor Nicholson. 17th April, 1725. *Express* their great satisfaction in his wise administration and unwearied application for the service of the Province. Desire his good offices in England and wish him a quick return *etc.* *Signed*, Tho. Broughton, Speaker. *Endorsed as preceding*. $1\frac{1}{4}$ pp. [*C.O.* 5, 359. ff. 298, 298v., 299v.-300v., 301v.-302v., 303v.; and (*abstract of covering letter*) 5, 406. p. 25.]

April 30.
Whitehall.

595. Council of Trade and Plantations to Governor the Duke of Portland. *Acknowledge* letters of 13th July, 15th Oct. and 30th Dec. *Will consider* the Acts enclosed when they receive Mr. West's opinion. Acquaint him with their proceedings in relation to the Revenue Bill, the bill for augmenting his salary and appointment of Councillors (April 28, May 5). [*C.O.* 138, 17. pp. 32-34.]

May 3.
Charles
Town.

596. Proclamation by Governor Nicholson. Appointing 28th May for a day of General Thanksgiving "upon the happy agreement of H.M. and his Parliament, the prospect of a lasting peace, the prosperity of this Province and the unanimity and general agreement of the General Assembly, who have manifested how much they have at heart the real good and welfare of the Province and the promotion of those two inseparables H.M. interest and service and that of this His Colony" *etc.* *Signed*, Fr. Nicholson. 1 p. [*C.O.* 5, 387. No. 54.]

May 4.
Whitehall.

597. Council of Trade and Plantations to Governor Burnet. *Acknowledge* letters. Have referred enclosed Acts to Mr. West.

1725.

As the merchants have desired to be heard again upon the Acts to prevent selling Indian goods to the French, they defer giving their opinion thereon. *Continue* :—" However we cannot help taking notice upon this occasion that we were surprised to find the merchants Memorial with our proceedings thereupon printed, which we think was not fit to be done, since we sent it to you only for your information; and your answer thereto, that we might be the judges thereof; and we hope, you will take care that nothing of the like nature be ever done for the future." *Have* recommended Mr. Livingston to be of the Council *etc.* *Set out*, N.Y. Col. Docs. V. p. 745. [C.O. 5, 1124. pp. 364, 365; and (rough draft) 5, 1079. No. 140.]

May 4.
Whitehall.

598. Duke of Newcastle to Governor Worsley. I have received your letter of 24th Jan. last, concerning the right pretended by the French to the Island of Tobago, and having laid the same before the King, H.M. hath been pleased to approve your conduct in insisting upon H.M. undoubted title to the said island, which you will continue to do, as any necessary occasion shall offer, in a civil and amicable way, so as to avoid giving any just cause of complaint on your part, and to preserve as much as may be the friendship and good correspondence subsisting between the two Crowns. In the mean time I have wrote by the King's command to Mr. Walpole, His Ambassador at the Court of France, that he may inform himself of the state of their pretensions to the said island, and justify H.M. title thereto; and upon my receiving Mr. Walpole's answer, I shall be able to signify H.M. further pleasure to you upon this head. As to the other part of your letter, wherein you represent the difficulty you are under to proceed against the person, who accidentally killed the mate of the *St. Xtophers* galley, that matter has by H.M. command been referred to the consideration of the Judge of the Admiralty, who being of opinion, that this case is not to be considered as a fact committed upon the high seas, and that you may proceed to enquire into the cause of the death of the said mate in the same manner as in the cases of the like nature upon land, H.M. directs you to conform yourself to the *enclosed* report, *etc.* *Signed*, Holles Newcastle. *Annexed*,

598. i. H. Penrice, Judge of the Admiralty, to the Duke of Newcastle. Apr. 23, 1725. *Report upon* case of the matross who fired upon the *St. Christopher's* galley. *Concludes* : Though the mate of the *St. Christopher's* galley was two miles off from the shore, when he was killed by a shot fired from James's Fort, yet the matross that fired that shot was not upon the High Seas but on shore, *etc.* and the fact that was done by him, the firing the gun, was done upon the land, though the effect of it, the killing the mate, happened two miles from the shore, yet it was within the command of

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the cannon of the fort. I do therefore humbly apprehend that the Governor's jurisdiction does extend to this case, and that he may proceed to enquire into the cause of the mate *etc.*, in the same manner as in a case of the like nature upon land. *Signed*, H. Penrice. [C.O. 324, 35. pp. 125-129.]

May 5.
Whitehall.

599. Duke of Newcastle to Governor the Duke of Portland. I trouble your Grace with this letter in behalf of Mr. Corbiere, a gentleman who is very usefully employed in H.M. service in the Secretary's Office. His brother-in-law, Mr. Moses Montel is going to Jamaica to officiate there as his deputy in the place of Naval Officer of that island. I beg leave to recommend him to your favour and protection, which I shall acknowledge as a particular obligation. *Signed*, Holles Newcastle. [C.O. 324, 35. p. 130.]

[May 5.] **600.** Merchants trading to New York to the Council of Trade and Plantations. Reply to Governor Burnet's reasons for continuing the Acts of New York for preventing the selling of Indian goods to the French (*v.* C.S.P., 1724). *Endorsed*, Recd. (from Mr. Sharpe), Read 5th May, 1725. $1\frac{2}{3}$ pp. *Enclosed*,

600. i. A Deposition of John Groesbeck, merchant of Albany, and Dirck Schuyler, merchant of New York, now in London. 15th Feb., 1725. *Set out*, New York Col. Docs. V., pp. 743, 744. *Signed*, John Groesbeck senr., Dirck Schuyler. *Endorsed as preceding*. $2\frac{1}{4}$ pp. [C.O. 5, 1053. ff. 314, 315v.-317v.]

May 5.
St. James's.

601. Order of King in Council. Approving representation of 16th April, and appointing Philip Livingston to the Council of New York. *Signed*, Robert Hales. *Endorsed*, Recd. 26th May, Read 3rd June, 1725. 1 p. [C.O. 5, 1053. ff. 322, 323v.]

May 5.
Whitehall.

602. Council of Trade and Plantations to the King. Recommend James Lawes as a Councillor of Jamaica, in place of Major Rose, decd. [C.O. 138, 17. p. 35.]

May 5.
Admiralty
Office.

603. Mr. Burchett to Mr. Popple. *In reply to* 29th Jan. and 29th April. *Encloses* following. *Concludes* :—Capt. Cooper hath orders to consult and advise with the Governor and Council of Barbados for the service of the Island. *Signed*, J. Buchett. *Endorsed*, Recd. 11th, Read 13th May, 1725. $1\frac{1}{4}$ pp. *Enclosed*,

603. i. Extract of letter from Capt. Cooper to Mr. Burchett. *H.M.S. Lynn*, Carlisle Bay, 15th Nov., 1724. Upon complaint of a French schooner that they had been robbed of their nets and turtle caught at Tobago by a

1725.

Barbados vessel, I took possession of the latter from which every body absconded. The French master found his nets *etc.* on board her. Both vessels were then driven ashore by a gale. *Intends to restore the stranded crew to Martinique etc. Copy. 2½ pp. [C.O. 28, 18. ff. 203–206, 208v.]*

May 6. **604.** Mr. Popple to Mr. West. Encloses, for his opinion in point of law, 3 Acts of Jamaica passed in Jan., 1725. *[C.O. 138, 17. p. 36.]*

May 7. **605.** Mr. Gregory to Mr. Popple. Reply to 28th April. I left Jamaica, after waiting upon his Grace, July last was twelvemonths *etc.* I can't at present determine whether I shall ever return *etc.* *Signed, John Gregory. Endorsed, Reed. 12th, Read 13th May, 1725. ½ p. [C.O. 137, 16. ff. 71, 71a.v.]*

May 10. **606.** Mr. West to the Council of Trade and Plantations. Upon four Acts of Pennsylvania for issuing paper currency, 1722, 1723, *reports that* “as your Lordships have lately in other cases been of opinion against all projects of that kind, they ought not to be passed *etc.* The intent of the Acts *directing the process of summons agt. freeholders* is to exempt all freeholders to the value of 50 acres of land, from arrest; But as they may contract debts to a hundred times, or more that value, and have considerable personall estates with which they may run away, I think it is an unreasonable priviledge and not proper to be passed into law.” Has no objection to the Acts (i) *for respiting executions upon certain judgements of Courts*, (ii) *to rectifye proceedings upon attachments*, and (iii) *for regulating and establishing fees.* *Signed, Richd. West. Endorsed, Reed. 29th May, 1725, Read 27th April, 1726. 1½ pp. [C.O. 5, 1266. ff. 209, 209v., 210v.]*

May 10. **607.** Mr. Kay, Collector of Customs, to the Council of Trade and Plantations. In obedience to commands of 26th June, 1719, *encloses* copy of law lately passed for continuing £80,000 in paper bills att interest *etc.* *Refers to* a memorial being now presented to the Board by the Surveyor General and Collector of Customs in New England, concerning some late laws made in those parts, which are humbly conceived prejudicial to Great Brittain *etc.* *Signed, Nathl. Kay. Endorsed, Reed. 8th July, 1725, Read 8th June, 1727. 2 pp. Enclosed,*

607. i. Copy of Act of Rhode Island for emitting and continuing paper bills, 1724. *Endorsed, Reed. 8th July, 1725. 7 pp. [C.O. 5, 1266. ff. 258, 258v., 259v.–263v.]*

May 11. **608.** Mr. West to the Council of Trade and Plantations. I have considered an Act of Antigua *for constituting a Court to hold plea of forreign attachments according to the custom of the City*

1725.

of London. As the introducing of this custom in Antigua may very much affect trade, by making the effects of Brittish merchants in that country lyable to be attached, I think it ought not to be passed *etc.* *Has no objections to five other Acts.* *Signed,* Richd. West, *Endorsed,* Reed. 29th May, 1725, Read 3rd Oct., 1727. 1 p. [C.O. 152, 16. ff. 15, 16v.]

May 11.

609. (a) Copy of grant by the French Governor of Placentia to M. Jean Faure, called la plante, of a site there for building a house *etc.* 15th April (N.S.), 1706. *Signed,* Subercase. *French.* 1 p.

(b) Certificate that Mr. Tosach's house, being within the limits of the Fort, was delivered up to the Lt. Governor *etc.* for H.M. service *etc.* London. 18th March 1724(5). *Signed,* John Handford, storekeeper; Willm. Carvill, Cla. Works. $\frac{2}{3}$ p.

(c) Bill of Sale of said house by M. Faure to Mr. Tosach, 22nd June, 1719. *Signed,* La Plante Faure (v. April 6th). *Copy.* $2\frac{3}{4}$ pp. *The whole endorsed,* Reed. Read 11th May, 1725. [C.O. 194, 7. ff. 258, 259-260v.]

May 12.
New York.

610. Governor Burnet to the Council of Trade and Plantations. *Expresses* regret for printing the Board's minute and report concerning the Indian trade Act. It will be of the utmost importance to the success of this new trade and the Assembly's support of it, that some determination in favour of their proceedings therein shall be obtained before the next Sessions of Assembly are over *etc.* *Encloses* Naval Officer's accounts to March, 1725 *etc.* *Set out,* N.Y. Col. Docs. V. pp. 756, 757. *Signed,* W. Burnet. *Endorsed,* Reed. 10th June, 1725, Read 23rd June, 1726. 2 pp. [C.O. 5, 1054. ff. 10, 10v., 11v.]

[? 12th
May.]

611. *Same* to Mr. Popple. *Encloses* Minutes of Council 18th Oct., 1724-19th April, 1725. *Requests* him to remind the Board to send their commands about the Indian Act before the Assembly sits in October *etc.* *Signed,* W. Burnet. *Without date.* *Endorsed,* Reed. 8th July, 1725, Read 23rd June, 1726. 1 p. [C.O. 5, 1054. ff. 20, 21v.]

May 13.
Whitehall.

612. Council of Trade and Plantations to the Duke of Newcastle. *Refer to* letter to Lord Carteret, 25th May, 1722 (q.v.) and enclosures "giving account of the dangerous practices of the French against H.M. interest in America, in direct opposition to all Treaties, and good faith between the two Nations." *Conclude:* Since which we have lately been inform'd by Lt. Governor Dummer, that the French Governor at Canada has supply'd the Indians now at war with the inhabitants of the Massachusetts Bay with stores of war; contrary to the 15th Article of the Treaty of Utrecht; a copy of

1725.

Mr. Dummer's letter herewith inclosed. We desire your Grace will be pleased to receive H.M. orders in what manner the Governor of the Massachusetts Bay is to behave himself in this affair, wherein H.M. interest and the welfare of his subjects in those parts, is so much concern'd. *Autograph signatures.* 1 $\frac{3}{4}$ pp. *Enclosed,*

612. i. Duplicate of Lt. Governor Dummer's letter, 31st March. [C.O. 5, 752. Nos. 27, 27. i; and (without enclosure) 5, 915. pp. 434, 435.]

May 13. **613.** William Pusey to the Council of Trade and Plantations. I came from Jamaica May last, and acquainted His Grace before my coming away, to sue for my wife's fortune *etc.* I have a very considerable estate in Jamaica, I was born there, and have been a resider there most part of my life, and have the interest of that Island very much at heart, and nothing but busyness of ye utmost consequence should detain me *etc.* *Hopes to return soon. Signed, Wm. Pusey. Endorsed, Recd. 15th May, Read 23rd June, 1725. 1 p. [C.O. 137, 16. ff. 117, 118v.]*

May 13. **614.** Mr. West to the Council of Trade and Plantations. Has no objection to Acts of St. Kitts (i) *for establishing Courts etc.* and (ii) *raising a tax on negroes etc.* *Signed, Richd. West. Endorsed, Recd. 29th May, Read 2nd Nov., 1726. $\frac{3}{4}$ p. [C.O. 152, 15. ff. 300, 303v.]*

May 13. **615.** Petition of General Assembly of S. Carolina to the King. *Represent* inconveniences that may arise from the Additional Instruction, that no private Act be passed without a clause suspending its execution till H.M. approbation be had. "The Statute of Elegit being impracticable to be put in execution in this Province in regard, the lands here will not rent for anything of themselves, any otherwise, than as they are occupied or manured by slaves the creditor has no remedy for his debt, where the personal estate falls short, but by a private law to subject the real estate to the payment of debts, after the death of the testator; which has been the constant course of this Province. It may often fall out, that the expence of attendance, and charge of soliciting the confirmation of such law, may be more than the debts amount to, or the land is really worth; so that the creditors will be often defeated of their just debts, and the credit of this your Majesty's Province, which is the basis and foundation of Trade, very much lessen'd and impair'd." *Pray that said Instruction may be limited to any matter exceeding £300 sterling, which is agreeable to the Instruction relating to Appeals etc. Signed, Ar. Middleton, President; Tho. Broughton, Speaker. $\frac{3}{4}$ large p. [C.O. 5, 383. No. 8.]*

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May 13.
Charles
Town.

616. Petition of *Same* to *Same*. The trade of this Province consists of such bulky and perishable commodities as will not at all times answer the end of barter. A medium of trade, such as is portable and may easily pass from man to man is absolutely necessary; which medium has of late years consisted of paper bills of credit for want of gold and silver. There is now extant of the said paper bills £100,585, which according to present exchange is in value to no more than about £14,000 sterling. The trade of this Province is computed to be to the value of £100,000 sterling per annum, so that the said medium is about one seventh part of the said trade, which we humbly conceive is not sufficient to carry it on. Pensilvania, a place of less trade and less advantageous to H.M. Revenue has now a currency of £45,000 Proclamation, which is equal to nigh £235,662 of our currency. We therefore pray your most sacred Majesty to grant us liberty to erect a bank in this your Majesty's Province for the sum of £20,000 sterl. in bills of credit, according to such a scheme as our Agent shall lay before your Majesty, or to continue the said sum of £100,585 to us, as a standing currency, for the intent aforesaid, and that we may pass a law to either of these purposes. *Signed as preceding.* $\frac{3}{4}$ large p. [C.O. 5, 383. No. 9.]

May 14.
Whitehall.

617. Mr. Popple to John Oxenford. *Asks for an account of the species, quantities and values of skins imported from Hudson's Bay to England, 1721, 1722, 1723. The last entry in a volume of which one half remains blank.* [C.O. 135, 3. p. 139.]

May 15.
St. James's.

618. Order of King in Council. Appointing Richard Mill to the Council of Jamaica in the place of Mr. Bernard, resigned. *Signed, Robert Hales. Endorsed, Reed. 26th May, Read 3rd June, 1725. 1 p.* [C.O. 137, 16. ff. 82, 83v.]

May 15.
St. James's.

619. Order of King in Council. Appointing James Lawes to the Council of Jamaica, in place of Major Rose deed. *Signed and endorsed as preceding. 1 p.* [C.O. 137, 16. ff. 84, 85v.]

May 15.
St. James's.

620. Order of King in Council. Approving draught of Instructions (16th April) for Governor Sir Richard Everard. *Signed and endorsed as preceding. 1 p.* [C.O. 5, 1266. ff. 189, 190v.]

[May 15]

621. Memorial [?by Alex. Stevenson] to the Council of Trade and Plantations. *Refers to Governor the Duke of Portland's dispute with the Deputy Provost Marshal etc. (v. 8th Feb. supra). As his Grace's letter is not particular enough to enable the Board to send directions therein, proposes that, until a fuller account is received, a letter be written by the Board*

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or Secretary of State to Mr. Rigby directing him to pay due regard to H.M. Governor *etc.* *Endorsed*, Reed. (from Mr. Stevenson) 15th May, Read 8th June, 1725. 1½ pp. [C.O. 137, 16. ff. 86, 86v., 87v.]

May 15.
St. James's.

622. Order of King in Council. Appointing Ralph Weeks to the Council of Barbados (v. 29th April). *Signed*, Robert Hales. *Endorsed*, Reed. 26th May, Read 3rd June, 1725. 1 p. [C.O. 28, 18. ff. 209, 210v.]

May 15.
St. James's.

623. Order of King in Council. Appointing Abel Allen to the Council of Barbados (v. 29th April). *Signed and endorsed as preceding*. [C.O. 28, 18. ff. 211, 212v.]

May 15.
New York.

624. Governor Burnet to the Duke of Newcastle. I had the honour of your Grace's letter of 9th Oct., with the enclosed cyps of a letter from the Commissioners of forfeited estates, to your Grace, and of a memorial from Mr. Rothead to the Commissioners, complaining of several hardships which he has suffered for being their factor, with a second letter from the Commissioners to me. I had writ to the Commissioners before on this subject, but through the mistake of my Agent that letter was not delivered, of which I enclose a copy, as also of a Memorial that was then made to me by Mr. Drummond, shewing the insufficiency of Mr. Rothead's claim. I have now without delay required the Chief Justice's and Mr. Alexander's answers to so much of Mr. Rothead's memorial as concerns them, *etc.* *Copy enclosed*. The allegations in these answers are proved by the authentick papers and depositions, which I have transmitted to Mr. Le Heup, to be laid before your Grace *etc.* I should be under the greatest concern imaginable, if there had been that remissness and misbehaviour in the Officers of the Government, complained of *etc.*; and I should have deserved H.M. displeasure, had I suffered such abuses, without timely interposing to stop them. But I can safely assure your Grace, that it will appear to a demonstration from these papers, that the complaint is altogether groundless. That there are no lands in New Jersey belonging to John Cameron who was forfeited. But that those lands were conveyed by Thomas Cox of London to his father Sir Eugenius Cameron and his heirs and assigns. That Sir Eugenius some years after the rebellion conveyed them to his grandson Donald Cameron. That the complainants brother John Rothead did his utmost endeavour in Scotland in 1720 to buy these lands of the said Donald Cameron, and finding himself disappointed, came into this country and publicly discredited the title of the lawfull purchasers Mr. Evan Drummond and Mr. James Alexander, two years before this factory was sent over, by which it appears that he procured this factory from the Commissioners, merely to screen himself from making reparation for the injurys he had already done to

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private persons. I have farther enquired into the grounds of prosecuting the complainant upon his saying that *King William was now suffering in Hell on account of the affair of Darien*. And both Mr. Kennedy, the King's Receiver-General here, whom Mr. Rothead unjustly asperses with the character of a professed Atheist, and Mr. Henderson, a creditable merchant here, who were the witnesses, have confirmed to me the truth of Mr. Rothead's having spoken words to that effect, for which I beleive your Grace will think it was no crime to present him to the Grand Jury, who out of compassion, and beleiving the words were the effect of heat and rashness more than malice, dismissed the bill, as Mr. Duane a goldsmith who was one of them, has lately assured me. This is the true state of that whole matter, in which I can discover no fault at all but in the Rotheads themselves, and I am surprised that the Commissioners should so readily upon the bare allegations of a person who had solicited to be their factor, beleive that there was neither justice nor loyalty in this Government, than which with humble submission nothing can be more groundless. *Begs his Grace* to represent the matter thus to H.M. and if the Commissioners have made a report to Parliament to have the papers in Mr. Le Heup's hands laid before one of the Houses. *Continues* :— I have been informed that Mr. Ingolsby had made application against my request (*v.* 21st Nov.), and had produced a letter from Capt. Symes, his uncle, where it was said that I was very easy at his stay. I have enquired *etc.* of his uncle, how he could write to that effect. He assured me that it was a year and a half ago, and that he could not with any truth have writ so, later than that time. It is true that so long ago upon Mr. Ingolsby's writing to his uncle, that he had great hopes by soliciting my Lord Cadogan, to obtain powder and stores for this Garrison, which I have long in vain applied for, I did acquiesce in his staying a while longer upon that account. But when I understood that there was no probability at all of success, and that Mr. Ingolsby could signify nothing in the affair, I was not pleased with having been so amused, and thought it high time to desire an officer's attendance, who has been now above three years absent from a double post *etc.* *Asks for* H.M. orders to him to return without delay. *Concludes* :—I depend on your Grace's protection in all my proceedings *etc.* If any complaints are made against me, which it is impossible always to foresee, I make no doubt, but your Grace will suspend your opinion, till they can be transmitted to me, and my answers returned *etc.* *Set out*, N.Y. Col. Docs. V. 758. *Signed*, W. Burnet. *Endorsed*, R. 30 June. 6 pp. [C.O. 5, 1092. No. 39.]

May 17. **625.** H.M. Warrant appointing Ralph Weeks to the Council
St. James's. of Barbadoes, in the room of James Elliot, decd. *Countersigned*,
Holles Newcastle. *Copy*. [C.O. 324, 35. p. 131.]

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May 18. **626.** H.M. Warrant appointing Abel Allen to the Council of St. James's. Barbadoes in the room of William Carter, decd. *Countersigned*, Holles Newcastle. *Copy.* [C.O. 324, 35. p. 131.]

May 18. **627.** H.M. Warrant appointing Richard Mill to the Council St. James's. of Jamaica, in the room of Thomas Bernard, resigned. *Countersigned*, Holles Newcastle. *Copy.* [C.O. 324, 35. p. 132.]

May 18. **628.** H.M. Warrant appointing James Lawes to the Council St. James's. of Jamaica, in the room of Thomas Rose, deceased. *Countersigned*, Holles Newcastle. *Copy.* [C.O. 324, 35. p. 133.]

May 20. **629.** Duke of Newcastle to the Council of Trade and Plantations. Encloses following for their opinion thereupon. *Signed*, Holles Newcastle. *Endorsed*, Recd. 21st, Read 26th May, 1725. 1 p. *Enclosed*,

629. i. Petition of Alexander Stevensone to the King. In behalf of the Governor the Duke of Portland, prays that he may be instructed to pass a law for the continuance of the laws of Jamaica for one year longer, as it is now evident they will expire before a draught of the new Revenue bill can be returned to His Grace *etc.* *Signed*, Alexr. Stevensone. 1 p. [C.O. 137, 16. ff. 72, 73, 75v.]

May 26. **630.** Mr. Willard to Mr. Popple. *Encloses* Minutes of Boston in Council of Assembly with Acts passed at the Session held Nov. New England. 11, 1724, and also duplicates of Acts passed at the session held 28th May, 1718, since for some reason they were omitted from the schedule of Acts submitted by the Board of Trade to Mr. West. *Signed*, Josiah Willard. *Endorsed*, Recd. 5th July, 1725, Read 11th Aug., 1726. 1 p. [C.O. 5, 869. ff. 299, 300v.]

May 27. **631.** Council of Trade and Plantations to the Duke of Whitehall. Newcastle. Enclose following to be laid before H.M. in Council, and, to prevent loss of time, the draught of proposed instruction. *Annexed*,

631. i. *Same* to the King. *Representation upon* the petition of Mr. Stevenson. Being informed that your Majesty's Attorney and Solicitor General have not as yet prepar'd the draught of a Revenue Bill to be pass'd in Jamaica, we are apprehensive the time limited for the continuance of the Jamaica laws will again elapse before it can be sent thither. *Propose that* an Instruction be sent to the Duke of Portland, to the same effect as that sent last year, continuing the laws depending upon the Revenue Act for the space of one year longer. *Annexed*,

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631. ii. Draft of H.M. Additional Instruction to Governor the Duke of Portland for assenting to an Act continuing the Revenue Act of 1703, and the laws depending thereon for one year longer from 1st Oct. [C.O. 138, 17. pp. 37-40, 50, 51.]

May 27. **632.** Col. Philipps to [?Mr. *Popple*]. Since waiting on the Board he has been able to verify the truth of Mr. Turshe's [=Tosach's] statements *etc.* (v. April 6th). *Signed*, R. Philipps. *Endorsed*, Recd. 29th May, Read 1st June, 1725. 1 p. [C.O. 194, 7. ff. 261, 262v.]

May 28. **633.** Copy of Patent from the Lords Proprietors appointing Robert Wright Chief Justice of S. Carolina. *Signed*, Beaufort, Craven, Ja. Bertie, Hen. Bertie, J. Colleton, John Tyrrel. [C.O. 5, 290. pp. 275-277.]

May 28. **634.** John Lloyd to Temple Stanyan. You will not take Charles Town in So. Carolina. it ill I am sure, that an old acquaintance should at this great distance acquaint you that he is in ye land of ye living *etc.* *Continues* :—I am now a member of ye Assembly for this town, which is our metropolis *etc.* *Asks* to be recommended as a Councillor to Governor Nicholson's successor. There is now a vacancy of five by the death of some and absence of others *etc.* *Signed*, John Lloyd. *Endorsed*, R. 8th Aug. 1½ pp. [C.O. 5, 387. No. 55.]

May 30. **635.** H.M. Instructions to the Lords Proprietors of North Carolina, relating to the Acts of Trade and Navigation. [C.O. 5, 192. pp. 1-24.]

May 31. **636.** Lt. Governor Drysdale to the Council of Trade and Virga. Plantations. I have but very lately had the honour of your Ldspps. of 19th May, 1724, otherwise I should not have been so long in acknowledging the pleasure I have in seeing that part of my conduct wch. relates to the regulating the abuses in taking upp lands so well approved by your Ldspps. *Encloses* Minutes of Council *etc.* *Continues* : There cannot bee a greater proofe of the good effect of that regulation concerning the taking upp of land, than the large quantity of new land brought to account, and added to the quit rent roll last year, as your Ldspps. will observe in the accts. of that revenue : and to this also is owing in a great measure the increase of that branch of the publick revenue arising by the sale of rights, and mentioned in the account of the 2s. pr. hhd. The application which your Ldspps. are pleased to signifie, you intend to make to H.M. for bringing to a speedy determination the controversy with North Carolina, about itt's boundarys, is very acceptable, as it is greatly desired here ; to putt an end to a dispute which

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occasions great uneasiness to our tributary Indians, and divers inconveniences to the government: new encroachments are daily made on that territory by people pretending title under grants from the government of Carolina, or surveys made by the officers; and as the number of such are become great, and that they threaten to maintain their possession by force, it is fitt they should as soon as possible bee taught to whose government they owe obedience, least by too long an use of living without rule, they should come att last to think themselves absolved from any, and prove both badd subjects and worse neighbours. Upon which consideration, as well as the loss itt is to H.M. in his quit rents, I hope your Ldspps. will judge itt convenient to dispatch with all possible speed the necessary orders for ascertaining those boundarys. If I did not fully express myself in my former, concerning the alteration of the time for selling the quit-rent tobacco, I must beg leave to state that matter more clearly, because I apprehend from your letter, that your Ldspps. judge a publick sale by outcry according to H.M. Instructions to bee indispensably necessary. Tho' that instruction is very antient, yett if your Ldspps. will be pleased to peruse the journalls of Council for upwards of twenty years past, you will find it has been very rarely putt in execution, and scarce ever without some notable prejudice to the King's revenue: and whenever an inconveniency has been discovered, the Government has as often recurred to the antient practise of entrusting the officers of the Revenue, wth. the private sale. Publick auctions are not here the same, as in England, where there are many buyers: here the buyers are but few, and the quantity of quit rent tobacco very uncertain, till after the whole collection is finished; and then being dispersed att a great many different places in each county, few are fond of buying itt, except att a very low rate, and it was been often found by experience, that whenever itt has been sett upp to sale by publick outcry, those who intended to bidd, have combined together to bee joynt purchasers, rather than outbidd one another, and so it has happened that the same tobacco has been purchased at such auctions, for less than the same persons have offered for itt to the King's officers, before any such auction: Itt is also to bee noted, that when there is a full cropp of tobacco, the ships are generally laden before the quit rent tobacco can be collected, and then it is not to bee supposed people will purchase a commodity which they cannot send to the markt, till another opportunity of shipping offers; and thus the quit-rents of some counties have lain for some years in the Sheriffes hands unsold for want of purchasers: these inconveniences have prevailed with the Govermt. from time to time to depart from the directions given in H.M. instructions, and to try new experiments to raise that tobacco to a greater price. Such was the regulation established in the year 1714 of selling all

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the quit rent tobacco att one publick sale in Aprill Generall Court: but tho' that method succeeded very well during the continuance of the law which appointed all publick payments to bee made at the Agents' storehouses and while tobacco was in demand here; yett as soon as the largeness of the cropp had made tobacco less valuable, the same practises amongst the buyers were sett on foot as had been used on former sales att the County Courts; so that even under that regulation, the price of the King's tobacco, fell far short of what it has since yeilded: and amongst all the attempts made to keep upp the price thereof, none has been found so effectual as the trusting the sale to the officers of the revenue, who as they are as good judges as any, of the value of tobacco, so it is their interest to sell as high as they can, since their own sallarys must rise or fall according to the price they receive for the King: but itt is nott soe in sales made by the Sheriffes in particular counties, (as the instruction directs) for these have their salarys deducted in tobacco, and receive neither profit nor loss, whatever the King's part is sold for. Butt since your Ldspps. seem to incline to the method of a publick auction, I have resolved to adhere to the letter of the King's Instruction for the future *etc.* (*Refers to Journal of Council, 19th April*), unless your Ldspps. shall signifie your approbation of the manner of sale, by the officers of the revenue, or leave mee at large to follow either the one or the other *etc.*: and as I am satisfied the altering the time and manner of sale has been attended with profit to H.M. for these two years past, I hope I shall bee the less blameable, for following the example of my predecessors, whose conduct in this matter has been tacitely approved by your Lordspps. board. The Assembly is further prorogued to 8th July *etc.* (*Refers to enclosure*), nor doe I intend itt shall meet before next November, unless I receive such orders from H.M., as may render itts meeting absolutely necessary: for as there is no pressing occasion arisen here, I am unwilling to burthen the people with the charge of an Assembly, till the losses they sustained in their tobacco by the late storm bee recruited by a more plentiful cropp, of which there is now a good prospect: The damage done to the corn, by the same storm, gave such apprehensions of a scarcity, that it was thought necessary to prohibitt itt export for a time, but that fear is so farr vanished, that there is no occasion to continue that prohibition: The export of tobacco will this year bee considerably lessened, the injury done to the last years cropp being very great: butt as the planters are amply recompensed by the increase of itt price here, so the present state of the revenue of 2s. pr. hhd. is such, as will make the deficiencies of the export little felt, especially if the future seasons prove answerable to the preparations that are made this year for a large cropp *etc.* *Concludes*:—If the great addition made to the last year's quit rent roll; the great quantity of

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new land petitioned for in Councell ; the large purchase of rights last half year ; and the further demand of a greater quantity to bee used in the taking upp more new land the ensuing year, bee indications of an increasing Colony, and a growing revenue, I have the satisfaction at the same time to perceive that while the people make these advances to enlarge their possessions, it is a demonstration of their contentment under that administration from which they expect a quiet and undisturbed enjoyment of the fruits of their industry ; and while the Colony continues in this state, I beleive itt will not bee disagreeable to your Ldspps. that I have noe extraordinary matters to trouble your Ldspps. with. *Signed*, Hugh Drysdale. *Endorsed*, Reed. 8th July, Read 26th Augt., 1725. *Holograph*. 7 pp. *Enclosed*,

636. i. Account of H.M. revenue of 2s. per hhd., 25th Oct., 1724—25th April, 1725. *Totals* :—*Receipts* (including balance brought forward of £3965 9s. 6 $\frac{3}{4}$ d.) £4777 0s. 2 $\frac{3}{4}$ d. *Expenditure*, £1609 2s. 11 $\frac{1}{4}$ d. *Signed and sworn to in Council*, John Grymes, Recr. Genll. *Audited by* Nathl. Harrison. 2 pp.

636. ii. Account of piratical effects, 25th April 1724—1725. £204 19s. 10 $\frac{1}{2}$ d. *Signed and audited as preceding*. 2 pp.

636. iii. Account of H.M. revenue of quit rents, 25th April, 1724—1725. *Totals* : *Receipts*, (including balance brought forward of £4362 16s. 9 $\frac{1}{2}$ d., and arrears paid up) £7332 9s. 10 $\frac{1}{2}$ d. *Expenditure*, £1118 13s. 7d. *Signed and audited as preceding*. 4 pp. *Nos. i—iii. Endorsed*, Reed. 8th July, 1725.

636. iv. Duplicate of Jan. 29. No. ii, with addition of a Proclamation of 19th April, proroguing the Assembly to 8th July, 1725. *Endorsed*, Reed. 8th July, Read 26th Augt., 1725. 3 $\frac{1}{8}$ pp. [*C.O.* 5, 1319. *ff.* 221—228v., 229v.—231v.]

[May 31].

637. Petition of Thomas King to the Council of Trade and Plantations. By deed of settlement made by his wife Dame Philadelphia Cotton, petitioner is entitled to all the interest of Sir T. Lynch in Pero plantation *etc.* *Prays* that the Act of Jamaica *for encouraging the speedy selling thereof, etc.* may be confirmed. *Denies* Mr. Gordon's statements 10th March. The settlement of said plantation would be a public service to Jamaica. Mr. Gordon has employed no person to attend the Board against the Act, and the time is elapsed for all persons to redeem by the Act, 30th May *etc.* *Endorsed*, Reed., 31st May, Read 2nd June, 1725. 2 pp. [*C.O.* 137, 16. *ff.* 80, 80v., 81v.]

May 31.
Virga.

638. Lt. Governor Drysdale to [*the Duke of Newcastle*]. Tho' I had not the honour of your Grace's letter of the 2nd of April 1724, till the begining of last month, yett I had much

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sooner the pleasure to know by the publick prints, the choice H.M. had made of your Grace *etc.* *Congratulates* him and encloses journal of Council and public papers *etc.* *Continues* : The same blessings that are so visibly derived to H.M. European Dominions, thro' the benign influence of his auspicious reign, and the just and wise conduct of his faithfull Ministry, are no less conspicuous here, in a generall tranquility, harmony, and contentment, amongst all ranks of persons : I will use my utmost endeavours in my station, to keep them in the like good dispositions, *etc.* *Signed*, Hugh Drysdale. *Endorsed*, R. 11 July. *Holograph*. 2½ pp. *Enclosed*,

638. i. Proclamations by Lt. Governor Drysdale, (a) 17th Oct., 1724, proroguing the Assembly to 14th Jan. (b) 27th Oct., 1724, publishing the repeal of the Act *for laying a duty on liquors and slaves*, (c) 27th Oct., 1724, prohibiting the export of Indian corn or any kind of pease, until 25th April, upon which "many of the meaner sort of people as well as of the servants and slaves depend, and of which great part hath been damaged by the violence of the late storm and a long continuance of unseasonable weather" *etc.* (d) 9th Dec., proroguing the Assembly to 13th May, 1725. (e) 19th April, 1725, proroguing the Assembly to 8th July, 1725. *Copy*. 3½ pp. [C.O. 5, 1337. Nos. 28, 28. i.]

May 31. St. James's. **639.** H.M. Warrant appointing Philip Levingston to the Council of New York. *Countersigned*, Holles Newcastle. *Copy*. [C.O. 324, 35. p. 134.]

May 31. Whitehall. **640.** Council of Trade and Plantations to the King. Recommend Henry Stout to fill a vacancy in the Council of Jamaica occasioned by the death of Col. John Sadler. [C.O. 138, 17. p. 40.]

June 1. Whitehall. **641.** Duke of Newcastle to Governor the Duke of Portland. *Acknowledges* letter of 30th Dec. and 8th Feb., "which I purpose to answer more particularly than I am able to do at present, the King being just upon the point of his departure to Hanover, so that this is only to transmit H.M. Instruction to your Grace, empowering you to pass an Act for continuing the Revenue Act, and the other laws of Jamaica for one year longer from October next, in case you shall not before that time have received H.M. more particular commands upon that head. The intent of this Instruction being to prevent any inconvenience which might otherwise happen upon the expiration of the laws, your Grace will perceive that it is framed agreeable to that which was transmitted to you last year upon the same occasion." *Signed*, Holles Newcastle. *Annexed*,

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641. i. H.M. Additional Instruction to Governor the Duke of Newcastle, St. James, 1st June, 1725. You may give your consent to another law for continuing the Revenue Act of 1703 for one year longer, from 1st Oct. *etc.* cf. C.S.P. 30th July, 1724. *Signed*, G.R. [C.O. 324, 35. pp. 135-137.]

June 1. **642.** Order of King in Council. Appointing Henry Stout to the Council of Jamaica in the place of Col. John Sadler decd. *Signed*, Temple Stanyan. *Endorsed*, Reed. 19th Aug., Read 7th Oct., 1725. 1 p. [C.O. 137, 16. ff. 119, 120v.]

June 1. **643.** Order of King in Council. Approving draught of St. James's. Additional Instruction to the Governor of Jamaica v. 27th May. *Signed and endorsed as preceding.* $\frac{3}{4}$ p. [C.O. 137, 16. ff. 121, 122v.]

June 1. **644.** Order of King in Council. Approving report of the St. James's. Committee upon the complaints of Governor Shute, and ordering Mr. Attorney and Mr. Solicitor General to prepare the draught of an explanatory Charter for the Massachusetts Bay as therein proposed, Jan. 18. (v. A.P.C. III. No. 75.) *Signed*, Ja. Vernon. *Endorsed*, Reed. 19th Aug., Read 7th Oct., 1725. [C.O. 5, 869. ff. 206-210, 211v.]

June 1. **645.** Council of Trade and Plantations to the Duke of Whitehall. Newcastle. *Enclose following. Autograph signatures.* 1 p. *Enclosed,*

645. i. *Same* to the King. Recommend that William Tosach be recompensed for the loss of his house at Placentia, taken for H.M. use within the new fortification. v. *Treasury Papers*, 1725, p. 343. [C.O. 195, 7. pp. 137-139 ; and (without enclosure) 152, 40. No. 15.]

June 2. **646.** Governor the Duke of Portland to the Council of Trade Jamaica, Spanish and Plantations. Since my last *etc.*, 12th Aprill, every thing Town. has been quiett here *etc.* *Expects* letters with some impatience *etc.* P.S. Mr. Feilding who was my Secretary dyed the day before yesterday after a feaver of four days. His death putts me att present under some difficulties. *Signed*, Portland. *Endorsed*, Reed. 9th Augt., 1725, Read 4th March, 172 $\frac{1}{2}$. *Holograph.* 1 p. [C.O. 137, 16. ff. 143, 144v.]

June 2. **647.** *Same* to the Duke of Newcastle. Repeats preceding. Jamaica, Spanish *Endorsed*, R. Augt. 12th, 1725. *Holograph.* 2 pp. [C.O. 137, 52. ff. 151, 151v., 152v.] Town.

June 2. **648.** Governor Hart to the Duke of Newcastle I have St. Christo- lately receiv'd the honour of your Grace's commands with an phers. inclos'd ptition of Mrs. Sarah Houblon to your Grace, setting

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forth, that she had filed her bill in Chancery at Antego against one Ward, to which Ward had given in an answer : and that she had petition'd me for an injunction in Chancery to stay Ward's execution, which had been deny'd by me. That she again petition'd me, that a day might be appointed for hearing her cause, but that I cou'd not be prevail'd with to grant the same *etc.* *Replies :* By the oath of Edward Parris (enclosed) it appears that Mrs. Houblon's bill was filed in Nevis, not Antegoa. It is true I was petition'd for an injunction, and made the usual order on it, to prevent surprize vizt., "granted unless cause shewn to the contrary in a certain number of days." I find by the oath of John Balaguier, Register of the Court of Chancery of St. Christophers, that there was a hearing before me on the said petition, in that Island ; and that there was eight days more given Mrs. Houblon's Council (which I presume will be thought an indulgence) to maintain her petition. But on the strictest enquiry I do not find that there was been any motion or proceeding on behalf of petitioner since that order ; nor can I find that there was any petition offer'd me, as is set forth, for a day of hearing ; which, if there had, I never shou'd have deny'd, nor never did to anyone that pray'd it : and am ready to grant a hearing when it is properly desir'd in this cause *etc.* *Continues :*—If Mrs. Houblon has reason to complain, it is for the want of due prosecutions of her cause by her lawyers here *etc.* *Refers to* Mr. Wavel Smith's complaint against him, to which he is preparing an answer for the Lords Commrs. of Trade, and does not doubt to make it evident that "I never have taken one individual branch from his office ; on the contrary have added so many to it, by my Commission, that his income is very much increased beyond what ever any of his predecessors enjoy'd by their patents or places. It is with a profound submission to your Grace's superiour judgement, that I beg leave to represent that unhappy is the fate of H.M. Governours, if they are perpetually pursued with unreasonable complaints, without any reparation for the injuries they may receive by them in their reputations or fortunes ; besides the pleasure of justifying themselves, that they have acted with honour and integrity in their stations, and that such complaints are groundless or trifling. I do not presume from hence to intimate that Governors are infalible more than the people ; I am sensible that both have an equal pretence to H.M. protection, and that they are peculiarly happy to be in the province of a Minister, just and generous as your Grace is, who will at the same time support the dignity of the Crown in the offices of its Governors, with an equitable and tender regard to the rights and privileges of the subject, and condemn neither unheard. Having had the honour to reside as Governor more than ten years in the Plantations : and as my station in Maryland, which is the center of the Brittish Colonies on the Continent of America :

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and my present situation in the Leeward Islands, also, the center of those in the West Indies, has given me some knowledge of the transactions in the several Governments, and of the dispositions of the inhabitants; who are but too apt, if they are not gratified in their, perhaps, unreasonable expectations from the respective Governors, immediately to have recourse to complaints against them, to the Ministry; to whom they give much trouble, and to the great vexation and expence of the Governors; which is usually attended with animosities, creates parties, and flings everything into confusion in the Colonies. I perswade myself, that it will not be unacceptable to your Grace, if a remedy can be found out for these evils in the Plantations, so considerable a part of the British Dominion, immediately in your Grace's province, and under your protection. Hence it is, with a submissive resignation, I humbly propose to your Grace's consideration whether, that all Governors that are in, or shall hereafter at their entering into their offices, give sufficient bonds in Great Britain, to answer all complaints that shall be exhibited against them: and stand to ye award, and pay the damages that any of the subjects shall sustain, by any unlawfull, or unwarrantable act of theirs during their Government. On the other side all persons exhibiting complaints against the respective Governors, shall enter into the bonds before they are receiv'd, to make good their allegations; and also stand to such award as shall be given against them, in case their complaints shall be adjudged untrue, or triffling and vexatious. In my humble opinion some such method, would be a caution to the Governors how they acted in their stations; and to the complainants, that they wou'd not advance anything that was not founded on law and reason. But where this judicial authority shall be lodg'd, or what powers may be thought proper to make the obligations on the Governors and people binding to enter into bonds, and stand to the awards mention'd, is humbly submitted to your Grace's great wisdom " *etc.* *Concludes* :—As I have had the misfortune to be, for more than two years of the time of my residence here, vizited with many violent fevers, even to the deprivation of the use of my limbs; and tho' I enjoy at present a tolerable state of health, yet I have reason to expect a return of these distempers incident to the climate: But as H.M. Instructions prohibits my return to Great Britain without his royal licence. I beseech your Grace to intercede with H.M., ever good and gracious, that I may have his licence to return for Great Britain for six months, that in case of extremity I may receive the benefit of it. I hope it will not be esteem'd from the purpose, if I take the liberty to remark to your Grace, that not one Governor of the Leeward Islands has liv'd to return for England, (except Mr. Douglass, who was remanded) for thirty-six years past *etc.* *Signed*, John Hart, *Endorsed*, Rd. Nov. 17th. 7 pp. *Enclosed*,

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648. i. Certificate by Governor Hart that the following depositions were sworn before him *etc.* 17th May, 1725. $\frac{1}{2}$ p.
648. ii. Deposition of John Balaguier, Depty. Secretary of St. Christophers, 17th May, 1725. *Quotes* records of the Court of Chancery as above. *Signed*, Jno. Balaguier. $\frac{3}{4}$ p.
648. ii. Deposition of Edward Parris, Depty. Secretary of Nevis, 11th May, 1725. The following extracts are exact copies of all the actions on and proceedings in the case of Houblon *v.* John Ward *etc.* *Signed*, Edward Parris. $\frac{3}{4}$ p.
648. iii. Minutes of the Court of King's Bench and Common Pleas, Nevis, 2nd May, 1721, 2nd July, 1723, 3rd March, 1724, referred to in preceding. 2 pp. [C.O. 152, 42. Nos. 142-146.]

June 2.
St. James's.

649. H.M. Warrant to Mr. Attorney or Solicitor General for preparing a bill for H.M. signature, revoking his former letters patent and regranting to John Cornelius the office of Clerk of the Naval Office, Barbados. *Countersigned*, Holles Newcastle. *Copy.* [C.O. 324, 35. pp. 138-140.]

June 2.
Whitehall.

650. Duke of Newcastle to Governor Nicholson. In your letter of the 12th of March, 172 $\frac{3}{4}$, I receiv'd the report of the Committees of the Council and Assembly of South Carolina, being in answer to a complaint made by the Marquis de Pozobueno, the Spanish minister here, concerning a new fort in that Province, which he alledges to be built on the territory belonging to the Crown of Spain. As it appears by that report, that the land, on which the fort is built, was always lookt upon as a part of the Province of South Carolina, and that the Spaniards never were in possession of any lands upon the River of Attamaha, I did, by H.M. command, communicate to the Spanish Minister such part of the said report, as might be necessary for the information of His Court, and in order to convince them, that their pretensions to that territory are not well grounded. However as they are desirous, that a more full and exact enquiry should be made into the state of this matter, and the Governor of Florida having received His Catholic Majesty's orders to act in concert with you, in order to settle the respective limits between the two Crowns, H.M. is very willing to do everything that can be expected on His part, both for adjusting the point in question, and for preventing any the like dispute for the future, and therefore readily consents to what has been proposed by the Crown of Spain for this purpose. Accordingly, I am commanded to signify H.M. pleasure to you, that, upon any application that shall be made to you by the Governor of Florida, or any others authorized by his Cath. Majesty, you

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should concur with them in your joint endeavours to fix and ascertain the boundaries of each territory, and to clear up any doubt that may remain concerning the fort in question, and this you are to do with the greatest care and exactness that the case will admitt of, and in the most civil and friendly manner, so as to avoid all occasions of interrupting the friendship and good correspondence subsisting between the two Crowns: After you have made such an enquiry in conjunction with the Governor of Florida, or other Spanish Commissary's, you are by the first oppertunity to transmit hither a particular account of your proceedings therein, together with your opinion upon the whole, in order to my laying the same before H.M. for his final determination of this affair. The said Spanish Minister has made another article of complaint against H.M. subjects of Carolina, in that they endeavour to seduce the neighbouring Indians and to withdraw them from the obedience they are under to the Crown of Spain. Whereupon H.M. directs you to cause a proper enquiry to be made into this matter likewise, and in case the complaint shall appear to be well founded, you are to give the necessary orders, that it may be effectually redressed, and to use your best endeavours, that the subjects of the two Crowns may in all respects live in a perfect good neighbourhood. For your more particular information *encloses copies of letters from the Marquis de Pozobueno* ^{4 June,} _{24 May,} 1725. "*entered in the Spanish Minister's book.*" *Continues*: It is so long since you had H.M. leave to return hither upon your private affairs, that I expected to have seen you here before now, and therefore in case this letter should not find you in Carolina, I have ordered it to be addressed to you, or to such persons, as shall be charged with the Governmt. of that Province during your absence and they are directed to pursue the orders contained in it. *Signed*, Holles Newcastle. *Copy*. [C.O. 324, 35. pp. 141-143.]

June 2.
St. James's.

651. H.M. Warrant appointing Henry Stout to the Council of Jamaica, in the room of John Sadler, decd. *Copy*. [C.O. 324, 35. p. 144.]

June 3.
Whitehall.

652. Duke of Newcastle to Governor Burnett. *Acknowledges* letters of 21st Nov. and 2nd Jan. *Continues*:—The matters they contain being for the most part under the consideration of the Board of Trade, I shall only at this time acquaint you that H.M. approved the assistance you gave to the Deputys from Boston in their endeavours to engage the Six Nations of Indians to joyn with them against the Eastern Indians; This mutual help which the Colonys ought upon all occasions to give to one another, is what it is feared has been too much neglected, but H.M. hopes his people in the several Plantations will consider themselves as belonging to the same countrey,

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subjects to the same Prince, and having not only the same dependance, but the same interest; for whatever private advantage might result to one Colony from the distress of another, their acting on a separate bottom must in the end be the ruin of them all. H.M. does likewise approve your endeavours to encourage a trade with the Indians, which will conduce both to the advantage of the Provinces under your Government, and to their security, by making those people better acquainted with the planters and more friendly towards them, but you must by enjoyning those under your Government to be just and punctual in their dealings with the Indians and by doing justice to the latter upon any complaint, make this trade answer those good ends, otherwise it might prove the occasion of quarrels and disputes, and do more mischief than service to the Plantations. This method, in which you pursue H.M. Instructions to you in relation to your correspondence by sending me a recapitulation of what you write to the Board of Trade and inclosing copys of your letters to them, in which the particulars are set forth more at large, is a very good one, and will make it more easy to H.M. to inform himself of the state of your Government. You will find that I have some time ago procured H.M. warrant for Mr. Lettice Hooper to be Chief Justice of New Jersey, as also H.M. letter for Mr. Philip Levingston to be of H.M. Council in the Province of New York, and I shall always have a due regard to your recommendations, as what will tend to support your authority, and the better enable you to carry on H.M. service there; But at the same time I must in a very earnest manner recommend it to you to be carefull in the choice of the persons, in whose favour you apply, that they be well qualified for the employments for which you design them, and Gentlemen, who by their personal interest in the country where they reside may contribute to the support of H.M. authority and the carrying on of his service in those parts, and that you be carefull to avoid showing any regard to party distinctions, and to support those whom H.M. thinks fit to put in office under you in the just and legal exercise of their respective employment. Upon this occasion I am, by the King's express command, to take notice to you of the great hardship and injustice that Mr. Walpole (a Gentleman whose extraordinary merits and services to H.M. and to his country, especially at this time, as Ambassador in France, have more particularly entitled him to the King's favour) meets with in relation to his Office of Auditor General of H.M. Revenues in the Plantations: They are so well known to you from the letters that have been written to you upon this subject by my predecessor in the Secretary's Office and by the Lords Comrs. of the Treasury, that I need not here make a repetition of them: But I must take notice to you, that the pretences which the

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Assembly of your Province make use of to deprive him of his perquisites and indeed to set aside in effect an Office, which has been thought necessary, in order to a just and regular administration of the publick revenue, are very frivolous, being chiefly, that it is a burthen upon the Province, which it cannot support, at the same time that they do unnecessarily set aside H.M. Receiver, who has a salary for the execution of his office, and appoint one of their own with perquisites equal to those claimed by H.M. Auditor, which plainly shows that the poverty of the Province is not the true reason of their endeavouring to set him aside, as they have in effect done the King's Receiver. The Prerogative of the Crown is so apparently concerned in this affair, that I need not enlarge upon the necessity there is, that you should more particularly upon this occasion pursue that part of your Instructions by which you are directed to support those, who by patents under the Great Seal derive from it their title to the exercise of their employments, and to the rewards, which H.M. appointment, or the rules and customs establishd in that respect, have annexd to those employments ; and the repeated instances of the obstinacy of the Assembly in a point so unjustifiable might create a suspicion, that you either have little interest among them, or that you have not exerted it to such a degree, as was requisite to answer the end you proposed. What I am now in a more particular manner to signify to you, as H.M. express pleasure upon this head, is, that you give the Deputy Auditor all the legal assistance and support in your power in the execution of his office by calling all those to account, who have had the receipt and management of the publick money, or prosecuting them on their refusal : that you discountenance and discourage any attempts, by vote of Assembly or otherwise, to support such persons in their refusal to account to the Auditors ; that you do not pass any money bills in which there shall be any clause, that may give a pretence to the Receivers of the supplies thereby granted, not to account to H.M. by his proper Patent Officer the Auditor : and that you do assist by all legall means the Auditor's Deputy, in receiving the recompense due to the Auditor for auditing the said accounts. If you will carefully read over the Instructions you have from time to time received from H.M. you will find there is nothing enjoyned you upon this occasion, but what is agreeable thereto, a strict compliance with which H.M. expects from you. I have as you desired called upon Mr. Ingoldesby, a Lieutenant in your Company and Adjutant to the forces in New York to repair to his post and have taken care, that he should have no new licence of absence ; and not having heard anything of late concerning him, I hope that he is set out for New York according to the promise he made me. *Signed*, Holles Newcastle. [C.O. 324, 35. pp. 145-150.]

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June 5.
New
Providence.

653. Governor Phenney to the Duke of Newcastle. Duplicates of covering letter and enclosures April 16th, with postscript and following additional enclosures. *Signed*, G. Phenney. *Enclosed*,

653. i. Deposition of Roger Stevens of Bristol, mariner. N. Providence. 6th May, 1725. Captured in the *Jolly Batchelor*, of London, bound with logwood from Honduras to Jamaica, October last, off the Islands of Utille, by Farrington Spriggs, a pirate, deponent with several others was forced to go with him. When Spriggs took the sloop *Susannah*, he put deponent on board under the command of Philip Lyne, whence he escaped *etc.* *Gives names* of several forced men who were serving with the pirates. *Signed*, Roger Stevens. *Copy*. 1 p.

653. ii. Deposition, similar to preceding. *Signed*, John Ekines. *Copy*. 1 p. [C.O. 23, 13. ff. 209-224.]

June 5.
New
Providence.

654. Governor Phenney to the Council of Trade and Plantations. Duplicate of preceding covering letter. "A sloop being run away with from Line the pirate at Turks Islands was brought in here by two saylers whose affidavits are enclos'd" *etc.* *Signed*, G. Phenney. *Endorsed*, Recd. 16th, Read 19th Aug., 1725. 2 pp. *Enclosed*,

654. i., ii. Duplicates of preceding enclosures. [C.O. 23, 1. Nos. 57, 57. i, ii.]

June 5.
New York.

655. Governor Burnet to the Duke of Newcastle. *Asks* for confirmation of his appointment of John Price, a half pay lieutenant to be lieutenant in Capt. Henry Holland's company, in the room of Lt. Philip Schuyler, decd. Price "has remained in this country by order from home ever since the Expedition against Canada in which he was an officer, so that he has waited fifteen years for a vacancy to come into the service upon the same foot as before without any other prospect and with a numerous family" *etc.* *Signed*, W. Burnet. *Endorsed*, Rd. 29th July. *Holograph*. 1½ pp. [C.O. 5, 1092. No. 40; and 5, 1085. No. 52.]

June 8.
St. James's.

656. Mr. Shelton to Mr. Popple. In obedience to H.M. pleasure, signified by the Board, the Lords Proprietors of Carolina have agreed with M. Purry for transporting 1200 Swiss into S. Carolina upon terms very advantageous for them, 600 next autumn and the rest within three years. All of them upon their arrival are to be settled in the southern parts of the Province. The Lords Proprietors finding that the Switz were not able to defray the charges of their transportation, and they conceiving that such settlement would tend to increase H.M. Customs and the trade of the Kingdom, they have agreed with

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the said Purry, that they will be at the charges, not only of transporting them, but also that they shall not be chargeable with any quit-rents for the first three years. The great loss the Lords Proprietors have suffer'd by the non-payment of the quit-rents for many years pass't, and the discouragement that has been given by the present Governor to their officers, in collecting those rents is the occasion that they have not lately proceeded in granting their lands as usual, which they intend to do as soon as the present Governor is remov'd. *Signed*, Ri. Shelton. *Endorsed*, Recd. 12th, Read 15th June, 1725. $2\frac{1}{2}$ pp. [C.O. 5, 359. ff. 231-232v.]

June 8. **657.** Council of Trade and Plantations to Governor Hart.
 Whitehall. *Acknowledge* letters of 10th and 12th July. *Continue* :—Upon this occasion we must observe, that you have been remiss in your correspondence to us with respect to the several accounts you are required by your Instructions to transmit to us. We have given directions to our Secretary, to let you know what accounts have not been hitherto received, and desire you will be more punctual for the future *etc.* We have received Mr. West's opinion upon the 3 Acts of St. Christophers, transmitted with your foresaid letter of the 10th of July, but cannot make our report to the King upon the Act *for establishing a Court of King's Bench and Common Pleas*, till you have sent your answer to Mr. Smith's petition against it, *etc.* (v. 9th March). We have sent to his Grace the Duke of Newcastle extracts of papers transmitted with your aforesaid letter of 12th of July in relation to the Danes having taken possession of St. Johns, and don't doubt but in a short time you will receive H.M. directions how to behave upon this occasion. As to Sir Wm. Codrington, he has acquainted us that he designs to return to Antego in a year's time, and therefore we do not think there is occasion to recommend any body in his room. *Refer* to their representation relating to Mr. Frye, April 27th. P.S. We have received your answers to the Queries, which seem to us to be very exact, and return you many thanks for them. [C.O. 153, 14. pp. 189, 191.]

June 15. **658.** Council of Trade and Plantations to the Lords Justices.
 Whitehall. In pursuance of letter of 1st Oct., 1724, to the Duke of Newcastle, enclose translation of the Danish Governor's reply relating to St. John's, with an extract of a letter from Governor Hart, for their orders thereupon. *Autograph signatures*. $1\frac{2}{3}$ pp.
Enclosed,

658. i, ii. Translations of the Governor of St. Thomas' letters to Governor Hart, May 23 and 25th June, 1724. (v. C.S.P. 1724 July 12 encl. iv-vii.) *Signed*, Thambsen. $2\frac{3}{4}$ and 3 pp.

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658. iii. Extract of Governor Hart's letter 12th July, 1724. *q.v.* 1½ pp. [C.O. 152, 40. Nos. 16, 16. i-iii.; and (without enclosures) 153, 14. p. 192.]

June 16.
Whitchall.

659. *Same to Same.* Report proceedings upon petition against Act of New York for the encouragement of the Indian trade *etc.* 30th April, 1724. *Quote* imports and exports of New York for three years immediately preceding and three years immediately following the first Act of this kind to show that "since the passing these Acts there has been an increase in the exports from Great Britain. And although it appears by the particular account of furs imported from New York, that fewer furs have been imported in the three years since the passing the sd. Act than in the three years before it, yet it is observable that the importation of furs does already gradually increase and probably will continue to do so and no just conclusion can be drawn from an accidental diminution in the infancy of a trade so lately put in a new channel." *Further observations* upon the beaver trade and increased price of furs. As the matter has been so long and so strenuously contested and facts very material have been positively affirmed and as positively denied, they have discoursed with Brigadier Hunter, "who conceives them to be highly necessary for the support of the British interest in America, in as much as they contributed to the keeping of the five Indian Nations firmly attached to us, and that this prohibition of commerce with the French may probably draw over several other nations of Indians to us, because they cannot be supply'd with the goods in greatest demand with them so cheap from the French as from the English; that in consequence of this prohibition, Montreal a considerable French settlement would in all likelihood soon be deserted, that place subsisting only by the trade with Albany and selling the goods from thence to the Indians" *etc.* *Further reflections* by ex-Governor Hunter. *Conclude* :—It were absurd to imagine that the Legislature of any Province shou'd obstinately pursue a scheme for so many years together, without a thorough conviction of the utility that would result from it to their own country at least, and so much the rather because some of the principal traders in N. York are members of the Committee of Council, who signed the report *etc.*; and therefore we have all imaginable reason to believe that this prohibition of commerce may prove very advantageous to the British interest in America, and certain it is that a law of this kind under proper restrictions, is perfectly agreeable to the genl. tenor of H.M. Instructions to his Governor of New York. However it is certain that the Acts in question are lyable to great objections, not arising from the design of the law, but from the methods prescribed for the execution thereof," *as to the oath and penalties imposed etc.* *Propose therefore* that Governor Burnet be in-

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structed to repeal said Acts by a new Act of Assembly, "whereby proper encouragements may be given to this new channel of trade and the abovementioned objections avoided." *Set out*, N.Y. Col. Docs. V. pp. 760-763. [C.O. 5, 1124. pp. 366-379.]

June 16. **660.** Mr. Popple to Mr. Shelton. *Reply to 8th inst.* My Whitehall. Lords Commissioners very much approve of the agreemt. made with Monsr. John Peter Purry *etc.*, which they think will be of great advantage to S. Carolina *etc.* [C.O. 5, 400. p. 218.]

June 18. **661.** Duke of Manchester to the Duke of Newcastle. My Lord Duke, I beg your Grace will pardon me, but being to go out of town a monday morning, I take the liberty to put you in mind of the powder officer in the Leward Caribbee Islands. When I talk with you concerning it, your Grace said that you would enquire about it. I hope by this time you have, and I shall take it as a particular favour to hear from you. I am, Your Grace's humble servant, *Signed*, Manchester. *Holograph.* 2 pp. [C.O. 152, 42. No. 147.]

June 19. **662.** Council of Antego to the Council of Trade and Plan- Antigua. tations. Enclose following (*cf.* 22nd Feb.). *Signed*, Thomas Morris, Will. Byam, Vall. Morris, Natha. Crump, Jno. Frye, Archd. Cochran, John Yeamans. *Endorsed*, Reed., Read 22nd Dec., 1725. 1 p. *Enclosed*,

662. i. Minutes of Council of Antigua, 21st and 26th Nov., 1724. Governor's Hart's Speech to the Council and Assembly and the Address of the Council in reply, relating to their dispute with the Governor (*v.* 1st March). *Signed*, as covering letter. *Endorsed*, Reed. 22nd Dec. 1725. *Copy.* 107 pp. [C.O. 152, 15. ff. 160, 161v., 162-215v.]

June 20. **663.** Galfridus Gray to the Council of Trade and Plantations. *Offers a* scheme for the preservation of all H.M. American subjects from the savage rage of Indians for ever. The method proposed is to cut a path through the woods on the back of all H.M. Colonies from Nova Scotia to S. Carolina, 1050 miles, with 100 blockhouses *etc.* *Signed*, Galfridus Gray. *Endorsed*, Reed. 20th, Read 27th Janry., 172⁵₈. 2 pp. *Enclosed*,

663. i. Demonstration of the time and charge of drawing the Indian barrier, *above.* 26th Jan., 1725. *Signed*, Galfridus Gray. 1 p. [C.O. 323, 8. No. 64.]

June 22. **664.** Lt. Governor Hope to the Duke of Newcastle. Your Bermuda. Grace has here inclos'd an account of the presumptuous and illegal behaviour of George Tucker, Provost Marshall General, and Secretary to these Islands. I wou'd have suspended him from the execution of his office, had I not at the same time

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luckily discover'd that that was the only thing that he wanted. He is a native of this place, bred a shoe-maker, and fitt for no other business. The Gentleman that made him, allow'd him always to act by deputys, because of his incapacity; whereof I have already given an account, 12th April, 1723. He is now ruin'd in his circumstances past redemption *etc.*, and has nothing but a desperate part to play; so that he has now join'd himself to two fellows who have been the firebrands of sedition in this Colony, and a plague to its Governors for these twenty years past. The story is long, but plain; so I shall beg leave to refer your Grace to Mr. Noden, Agent for this Colony *etc.* His chief design, was to shelter himself from his creditors, under the pretence of having been arbitrarily suspended, by a tyrannical Governor, hoping thereby to render me obnoxious here, and to blacken me at home, as his vile associates already have done, to some purpose *etc.* *Signed*, John Hope. *Endorsed*, Rd. Feb. 28, 172 $\frac{5}{8}$. 2 pp. [C.O. 37, 28. No. 33.]

June 22. **665.** *Same* to the Council of Trade and Plantations.
Bermuda. Encloses duplicate of preceding for their information. *Signed*, John Hope. *Endorsed*, Recd. (from Mr. Aytoune) 28th, Read 30th June, 1726. *Duplicate, original not received. Holograph. 1 p. Enclosed,*

665. i. Duplicate of preceding letter to Duke of Newcastle. [C.O. 37, 11. ff. 226, 227, 227v., 229v.]

June 22. **666.** Order of Lords Justices in Council. Referring enclosed
Whitehall. petition *etc.* to the Council of Trade and Plantations for their report. *Signed*, Temple Stanyan. *Endorsed*, Recd., Read 6th July, 1725. $\frac{3}{4}$ p. *Enclosed,*

666. i. Petition of traders to the Leeward Islands to the King. Governor Hart has through the whole course of his administration sacrificed all considerations of duty to your Majesty and the welfare of the Islands to his insatiable avarice and resentments *etc.* *Pray for* a hearing of their complaints and for his removal. *Signed*, William Stapleton and 20 others. *Copy. 1 $\frac{1}{2}$ pp.*

666. ii. *Same* to the King. Contrary to his Instructions, Governor Hart has constantly endeavoured to obtain exorbitant sums from the Councils and Assemblies of the several Islands. *Quote* his proceedings in Antigua, St. Kitts and Montserrat. When the Assembly of Nevis represented the inability of the Island to make him a settlement in addition to his salary, he threatened that there should be no Court of Chancery and no Ordinance Office in that Island and that they should be obliged to send what Acts

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they passed to Antegoa for their assent and used abusive language to them. These threats he has in part put in practice. *Copy.* 7½ pp. [C.O. 152, 15. ff. 116, 117–121v., 123.]

June 22. **667.** Council of Trade and Plantations to the Duke of
Whitehall. Newcastle. Enclose following to be laid before H.M. *Auto-*
graph signatures. 1 p. *Enclosed,*

667. i. Address of Assembly of Antigua to the King. We humbly beg leave to tender our unfeigned and utmost zeal and affection for your Royal person and Government, and illustrious House *etc.* *Express* gratitude for the benefits of H.M. reign to their country, and for the appointment of Governor Hart, who by his prudence and zeal for H.M. service has justly asserted the royal prerogative and at the same time protected us in the liberties and properties of British subjects, and has ever given his assent to the laws they have proposed conducive to the good of the Colony. The bills brought in by them for making a settlement on the Governor having been disallowed by H.M., for reasons not communicated to them, "We shall, however, endeavour, (if the present obstacles may be removed) to repeat our resolutions for an honourable settlement on our Chief Governour; being convinced, that his residence in this island, which is the windermost and most capable to assist and protect the others under his Government, will by that means be rendered less burthensome to him; and he not induced to be longer absent from us, than your Majesties affairs will necessarily require. *Signed,* Ashton Warner, Speaker. 1 large folded p. [C.O. 7, 1. Nos. 29, 29. i; and (covering letter only) 153, 14. p. 193.]

June 23. **668.** Mr. Cumings to Mr. Popple. *Refers to* enclosure and
Boston. his proposal of Oct. 10, 1724. *Continues:* The fishery at Canso this year is very great and like to be successfull, about 200 saill of small vessels gone from thesse parts to fish on that coast and if have protection will prove very considerable and beneficial to the British nation for returnes of the commodities imported here. The great currency of paper bills of credite very hurtfull to trade and the expedient of issuing them forth upon loan have been very prejudicial, thesse affairs of trade require serious consideration and a speedy releif *etc.* *Signed,* Archd. Cumings. *Endorsed,* Recd. 28th July, 1725, Read 11th Aug., 1726. *Addressed. Sealed. Postmark.* ¾ p. *Enclosed,*

668. i. Memorial of Thomas Lechmere and the other Officers of H.M. Customs in New England to the Council of

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Trade and Plantations. Boston, 30th April, 1725. *In reply to the Board's letter of 26th June, 1719, report as follows: Repeat Mr. Armstrong's comments on the export of horses to the Dutch and French Plantations (v. 10th Oct, 1724).* In spite of the Acts of Parliament for the encouragement of Naval Stores, the inhabitants are dayly running into the making of Brittish manufactures as woollens etc. by which they will in some time have no occasion to correspond with Great Brittain for such commoditys, and to which great encouragement has been given of late years by severall Acts of each Government. They alsoe very much encourage the circulation of Province bills of credit, and letting them out to interest upon land security, and by the said Acts enforcing them to be received by all H.M. subjects in all payments and contracts (specialties excepted) as æquall to money, though the tenour of said bills say's only, shall be in all publick payments accepted by the Treasurer of each Province, and by reason of the great number of these bills, which amount to £400,000 or upwards in the severall Governments, and notwithstanding the publick faith and sanction to support them, and annually to sinke the number of them etc., which they sometimes evade by which the credit of their said bills is sunk so low that they have lost in their vallue more then a moiety etc. This doth evidently shew that, we being obliged to receive them in all publick payments at the full vallue, how prejudiciall they are to H.M. Revenue, and of what dangerous consequence to trade and commerce, and how destructive to the industry and property of the subject, and those proceedings lead us to the source of such evils, which wee presume to take notice off in the following manner may open a scene, which will not a little surprize your Lordshipps. The gentlemen of this country (merchts. and monyed men excepted) who possess most of the improved and waste lands, are the majority of Members in the severall Generall Assemblys, they for the most part take up those bills, and circulate them upon the credit of their own lands, without any mony or treasure laid up in bank to support them, and by their laws obliging them to be received in all payments by all persons, as lawfull tenders, by which they have taken in all monyed mens estates, and are now in these bills, and the merchants and traders, who are generally the possessors of the bills, must take the growth and produce of the country for them, which

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are risen to most extravagant prices : And the said Gentlemen are allso enabled by the said bills to carry on the manufactures beforemention'd, and to purchase more land, which is a great engrossing thereof, so that poor people comeing from Great Brittain and Ireland upon the prospect of haveing lands to settle on, and are the great riches of this large and uncultivated country, are in a great measure debarred, the land being in their possession, and raised to such great prices *etc.* These evils being seen into by most of the substantiall men of the country, a Committee of whom was appointed by the Generall Assembly at Boston, the Metropolis of North America, to consider of ways and means to redeem the credit of the bills, and unanimously agreed that no more bills of credit should be made, that what mony the Country should want upon publick expences, should be borrowed in these bills already made, and that if those who had the bills upon mortgage would pay them in, they should have 10 p.c. discount *etc.* Yet notwithstanding these advantageous proposalls were rejected, and the said men now in the Massachusetts Bay have made an Act for emitting £30,000 more in these bills, without any alteration of tenour or form or indenture or escutcheon for carrying on an Indian warr, and postponed the cancelling of £27,000 of bills *etc.*, which is a manifest breach of publick faith. And the Government of Rhode Island in like manner, tho' no ways concerned in the warr, not at all in debt, and are not above £800 per annum charge for supporting the charges of Government, yet at this time have passed an Act for continueing £80,000 at interest in these bills, which is very destructive to trade *etc.* Before these Assemblies concluded on these Acts, they received H.M. letter dated 31st Aug. last, commanding the Governors not to pass acts of an extraordinary nature *etc.* without a clause suspending the execution thereof untill it had the Royall sanction. And notwithstanding such repeated commands these Acts have passed, and are putt in force without any such clause, which matter so tenderly affecting H.M. prerogative and revenue (wee haveing no face of mony but only in those bills) as likewise trade in generall and perticularly the commerce of Great Brittain, and soe injurious to the industry and property of the subject, these bills being sunk soe greatly in their vallue, many of them being very often counterfeited, the indenture worn out, and allmost quite defaced, that nothing can be foreseen

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but the utmost confusion even to the totall ruine of these H.M. dominions, unless the Royall Grace intervene for their preservation. And wee most humbly propose it as absolutely necessary, that the bills of each Government may be called in, or that the possessors of them, upon paying them into the Treasury, may have security from the Government for them, and lawfull interest paid, untill the Government hath redeemed the principall, by which the merchant who doth not lett his cash lye dead, may dispose of the bills he hath received, instead of being obliged to part with them at a great discount for the produce of the country, which hath been raised to most prodigious prices. *Repeat* Armstrong's statement as to imports of logwood from Spanish West Indies (*v.* Dec. 22, 1724), and propose that logwood so imported into the Plantations, be subject to be bonded to be carried to Great Britain, or if allowed to be exported to foreign markets, to pay a duty of 20s. sterling per tun upon exportation for the use of H.M., which will "prevent forreigners from haveing it at a cheaper rate then the Brittish merchants, as by the Act in the eighth year of His Majesty, it is paid at the exporting thereof from Great Brittain." *Signed*, Thos. Lechmere, John Jekyll, Nathl. Kay, Wm. Lambert, Hibbert Newton, Archd. Cumings. 2 pp. [C.O. 5, 869. ff. 334, 335, 336, 336v., 337v.]

June 24. **669.** Mr. Popple to Lt. Govr. Gledhill. *Encloses* copy of
Whitehall. petition of Thomas Salmon, with affidavits in proof of his complaints, for his answer thereto. *Continues*: I am also to remind you, that neither you, nor any of the Garrison of Placentia are to concern yourselves in the Fishery under pain of H.M. highest displeasure: and Col. Philips, upon a complaint of this nature, having communicated to you a copy of his Instructions to this purpose, my Lords Commrs. are inform'd you have not thought fit to take any notice thereof. I am to remind you that on 4th July, 1723, I acquainted you, by order of their Lordships, that there had been several complaints made against you by several merchants here, of the hardships they lay under in their fishing trade to Newfoundland, by your having ingaged therein, contrary to the duty of your office. Upon this you have not given my Lords any answer at all; instead of which my Lords Commissioners have been informed, that the people who have represented their case, in order to obtain some redress, have met with great discouragements in their business from you: I am therefore commanded to acquaint you, that their Lordships expect you will immediately not only give your answer to that complt., but also to this

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herewith sent ; and that you do not upon any account whatsoever discourage or discountenance any of the parties who have exhibited complaints of grievances they lye under. My Lords Commissioners further acquaint you, that if you don't forthwith comply with their directions in this manner signify'd to you, they shall think themselves obliged to represent this affair to H.M. [C.O. 195, 7. pp. 139-142.]

June 24. **670.** Petty Expenses of the Board of Trade, Lady Day to Midsummer. £116 0s. 8½d. [C.O. 388, 78. f. 119.]

June 24. **671.** Stationer's bill for same. £65 10s. *Endorsed*, Read July 6, 1725. 2½ pp. [C.O. 388, 78. ff. 123-124v.]

June 24. **672.** Postage for same. £23 6s. *Same endorsement*. 1 p. [C.O. 388, 78. ff. 126, 127.]

June 24. **673.** Coal account for same. £29 7s. 10d. *Same endorsement*. 1 p. [C.O. 388, 78. ff. 127, 128v.]

June 25. **674.** Address of the Lt. Governor, Council and Representatives of the Massachusetts Bay to the King. This your Majesty's Government after many unjust and insufferable abuses, depredations, and insults committed by the Indians ; instigated and excited by the French King's subjects, and more especially by Monsieur Vaudreuil Governor of Canada, were obliged contrary to their own inclinations to enter into a war with them which has now continued these three years and is become almost insupportable to this Province, by reason of the excessive charge thereof, besides the great loss your Majesty's subjects have sustained both in their husbandry and fishery and in their other business by sea and land, the slaying and captivating many of your Majesty's good subjects which is owing to the conduct of the said French Governor, and the wicked practices of the Jesuits, and other Romish priests, although the said Monsieur Vaudreuil has often by your Majesties Governour and Lieutenant Governour been wrote to on that head, and of late Commissioners were sent from this your Majesty's Government to demand of him to withdraw that aid and assistance he has afforded to our Indian enemys, notwithstanding which, and all the measures that have been taken to induce him to desist, he still goes on, and even while the Commissioners were in Canada the last winter, the said French Governor (as he had often done) was exciting and persuading several other tribes of Indians to the war against your Majesty's subjects of His Province : as the Indians themselves informed them after much expostulation on this head, with the said Governor, he had the assurance in behalf of the Indian enemy to insist upon it, that this Government

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should quit and abandon all the forts and towns for the space of thirty leagues on the sea coasts within the grant to this province, from your Majesty's Royal predecessors which has been settled and peopled more than seventy years, in which tract of land groweth most of the timber fit for building ships and masting your Majesty's Navy and the said French Governor countenanced the Indians, then in his presence in their demand of the whole country, or territory of L'Accadie or Nova Scotia, excepting only your Majesty's fort of Annapolis Royal; and that the British subjects should not fish in and about the sea coasts, whereby they would be stript of the most valuable branch of their trade and an unspeakable damage happen even unto your Majesty's Realm of Great Britain in both these Articles; and altho' it was strenuously urged by the Agents for this Province upon the French Governor, that his conduct hercin was a manifest breach of the friendship between the two Crowns, and the Treaty of Peace concluded at Utrecht whereby all Nova Scotia or L'Accadie was surrendered up according to its ancient bounds or limits, to your Majesty your heirs and successors for ever, and the French King's subjects to have nothing to do therein; yet the said Governor has constantly a French Officer in the pay of the French King at the head of the Indians who resides in your Majesty's Dominions and we are informed by some of our captives, he hath been so inhuman as to suffer some of your Majesty's subjects to be murdered and burnt after they were taken. And upon this Government's demanding by their Commissioners your Majesty's subjects captivated by the Indians and in the hands of the French at Canada, the Governour of that country refused to deliver or return them, unless they were purchased and that at an exorbitant price; so that it cost the relations of some of those distressed people upwards of fifty pounds apiece for the recovery of their friends who are bought and sold and treated more like slaves than Christians. We would with all humility represent to your Majesty that the plain design of the French Governour in this management is to deprive your Majesty of your just sovereignty over those tribes of Indians, and to prevent your Majesties subjects settling in those parts of the country, and supplying your Royal Navy with masts plank and timber of all sorts, and threatens the destruction of the Fishery on the whole coast of L'Accadie and as far westward as Piscataqua River; all which would not only be an unjust diminution of your Majesty's rightful and extended dominion in North America but also prejudicial to the several Provinces and Governments therein, and even to the trade and commerce of Great Britain. And inasmuch as your Majesties Colonies of Rhode Island and Connecticut are covered by us, and the towns of this Province are a barrier and security to them, and your Majesties commands have been heretofore given to your several

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Governments of the Massachusets, New York Connecticut and Rhode Island for furnishing their respective quotas to each other in case of a war, and pursuant thereto we have made application to them for obtaining their quotas in the present war, yet we have not been able to prevail with them to furnish the same altho' this Government have heretofore supplied a considerable number of soldiers for the defence of Albany, within the Government of New York when in great distress by the enemy, We therefore humbly supplicate your most gracious Majesty that you will please to renew your commands to those Governments for that end, and that your Majesty will direct your Governour at New York, to use his interest with the Six Nations of Marquois bordering upon his Government to joyn with us against the Indian enemy. *Signed, by order,* Josiah Willard, Secretary. 1 $\frac{7}{8}$ pp. [C.O. 5, 10. No. 182.]

June 29. **675.** Bishop of Durham to [? the Duke of Newcastle].
 Albemarle Street. *Recommends* Richard Bradely for the Council of New York in place of Gerrard Beekman decd. *Signed,* W. Duresme. *Holograph.* 1 p. [C.O. 5, 1085. No. 53.]

June 30. **676.** Council of Trade and Plantations to Governor the
 Whitehall. Duke of Portland. *Acknowledge* letters of 8th Feb. and 12th April. *Continue:* We are glad to hear that the dispute between your Grace and the Provost Marshall, is at last determin'd; For tho' we shall always be ready to contribute wt. lyes in our power to make your Grace's administration easy, yet both our endeavours and your Grace's actions must be bounded by law, and as the Provost Marshall's employment is by Patent for life, or during good behaviour, he cannot be divested of it, but by due course of law, nor abridged of any powers granted by his patent. With respect to the question your Grace has made concerning the appointment of Coroners, the same being a matter of law, and depending in a great measure upon the custom of Jamaica, we can neither make your Grace any answer thereto, nor procure any opinion of Counsel upon it, not being sufficiently inform'd of the usage of Jamaica in this particular; But the Coroners in England are chosen as Members of Parliament, by a majority of the Freeholders. Your Grace has also desir'd to know our opinion concerning your double vote, when writs of error are brought before you and the Council, when the Council consists of five, and three are of one opinion, and two with yourself of another; This likewise is a matter which may depend upon the usage in Jamaica, but we have no custom in the Courts of Judicature here, to warrant a double vote. We have, as your Grace has desir'd, inform'd ourselves whether the three Councillors, which your Grace mentions, 8th Feb., to be off the Island, intend to

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return again or no, *etc.* *Refer to recommendation of 31st May. Continue:* Mr. Pusey has acquainted us, that he intends shortly to return to Jamaica; we are not yet thoroughly acquainted with Mr. Gregory's intentions, but if they do not both of them return in a reasonable time, we shall recommend such persons to fill their places in the Council of Jamaica, as your Grace shall think proper to propose to us for that purpose. H.M. in Council has approved of the proposed Instruction for continuing the old Revenue Act *etc.* (v. 27th May). We did refer to Mr. West, late one of H.M. Counsell at law, the three Acts transmitted 8th Feb. last, but as H.M. has since been pleas'd to appoint him Lord Chancellor of Ireland, he has made no report upon them, so that we cannot as yet lay them before H.M. [C.O. 138, 17. pp. 41-44.]

July 1.
Barbados.

677. Governor Worsley to the Duke of Newcastle. Encloses following revised list *etc.* Signed, Henry Worsley. Endorsed, R. 21. 2 pp. Enclosed,

677. i. List of gentlemen proposed to supply vacancies in the Council of Barbados:—George Forster, Henry Peers, Samuel Broom, Thomas Applewait, Henry Evans, John Pickering, Edward Jordan, James Hannay, Ralph Weeks, Joseph Pilgrim; and Othniel Haggat, and Samuel Osbourn in the room of Wm. Terril made a Councillor, and John Holder (formerly proposed) deceased. $\frac{3}{4}$ p. [C.O. 28, 44. Nos. 94, 94. i.]

July 1.
Barbados.

678. *Same to Same.* Your Grace will have the goodness to excuse the liberty I take in writing this private letter in answer to your Grace's of 23rd of March last *etc.* When I left England my Lord Carteret told me that the Earl of Berkeley had recommended Mr. Othniel Haggat to be made a Counsellor *etc.* Finding that he had been one of those, who had chiefly influenced Mr. Cox in his administration and had thereby become very odious to the aggrieved party: it was then impossible for me to have appointed him a Counsellor in Mr. Cox place, who I had turned out without putting this Island into the same confusion I found it; this Gentleman opposed my measures afterwards underhand, as I have been informed, tho' he deny's it, and assures me he never will: this I wrote to my Lord Carteret, but assured his Lordship, that on account of his patron *etc.*, I should not oppose his being a Counsellor, when there should be a vacancy: but desired not to appear in it. However as the great feuds and animosities in this Island are now pretty well abated, and I hope will not be fomented again; I have with the greater pleasure obeyed your Grace's commands to me, in Mr. Haggat's favor *etc.* Signed, Henry Worsley. Holograph. 4 pp. [C.O. 28, 44. No. 95.]

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July 1. **679.** *Same* to the Council of Trade and Plantations.
 Barbados. Duplicate of No. 677. *Signed*, Henry Worsley. *Endorsed*,
 Recd. 23rd Aug., Read 4th Nov., 1725. 2 pp. *Enclosed*,
 679. i. Duplicate of No. 677. i. [C.O. 28, 18. ff. 226,
 226v., 228, 229v.]

July 6. **680.** Council of Trade and Plantations to the Lords Com-
 Whitehall. missioners of the Treasury. *Enclose* Office accounts from
 Christmas to Midsummer. "There was then six months salary
 due to the Secretary and other Officers," *etc.* *Accounts*,
certified, enclosed. [C.O. 389, 37. pp. 250-253.]

July 6. **681.** Mr. Armstrong to the Council of Trade and Plantations.
Asks for an attested copy of Capt. Ellis Huske's complaint
 against him, as he is about to return to New England as Depty.
 Surveyor of the Woods and there bring an action for damages
 against Huske *etc.* *Signed*, Robert Armstrong. *Endorsed*, Recd.,
 Read 6th July, 1725. $\frac{3}{4}$ p. *Mem.* Upon Mr. Armstrong's
 further application, several of his original papers were returned
 to him. [C.O. 5, 869. ff. 84, 85v.]

July 6. **682.** Order of Lords Justices in Council. Referring to
 Whitehall. Committee draught of explanatory Charter for the Massachu-
 setts Bay *etc.* *Signed*, Ja. Vernon. *Endorsed*, Recd. 19th
 Aug., Read 7th Oct., 1725. $\frac{3}{4}$ p. [C.O. 5, 869. ff. 204, 205v.]

July 6. **683.** Petition of the Freemen Proprietors of Dorchester,
 [? 1725.] in the County of Suffolk, Massachusetts Bay, to the Lords
 Justices. By virtue of Royal Charters, Grants and Acts of
 Assembly (*described*) confirmed by H.M., petitioners and their
 ancestors have been, since 1637, entitled to lands within their
 township of Dorchester. Of late two or three hundred persons,
 who never had any manner of right to the said lands, set them-
 selves up to be Proprietors, and having obtained from Samuel
 Lyndes, J.P., a warrant for a Proprietors' meeting in Dorchester,
 1718, but not exprest at which meeting house, there being
 two ten miles distant the one from the other, also not granted
 in H.M. name nor exprest in what year of H.M. reigne neither
 a power incerted to sue trespassers on said lands *etc.*, have
 unlawfully divided the said lands to strangers as well as them-
 selves and taken them away from petitioners, and in the most
 hostile manner are committing outrages, divers spoils, wasts and
 devastations by cutting down the large stately oaks pynes and
 cedars and digging iron ore *etc.* And to carry on their unjust
 pretensions and unlawful proceedings these confederates have
 of late commenced a multiplicity of pretended actions of
 trespass against petitioners *etc.* And tho' petitioners have
 condemned them in costs at the Superiour Court and also cast
 them before the Assembly in 1722, yet by a resolve of the

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Assembly made behind petitioners' backs' in March 1721 contrary to all laws, petitioners, the only freemen proprietors, are made trespassers to strangers, and are denied the benefit of all known laws. By a late order, Dec., 1724, the Assembly, behind petitioners' backs and contrary to their former grants *etc.*, have given away 6000 acres of petitioners' lands to strangers, *etc.* *In detail.* Pray to be restored to their rights and lands. $\frac{3}{4}$ *large closely written p.* [C.O. 5, 752. No. 28.]

July 6.

684. Mr. Stevensone to the Lords Commissioners of the Treasury. Answers to some objections against the Revenue Bill of Jamaica. *Endorsed*, Read 7th Sept., 1726. $2\frac{1}{4}$ pp. [C.O. 137, 16. ff. 270-271v.]

July 9.

London.

685. John Vat of Watt to the Duke of Newcastle. *Asks* for support of the Government and a grant of arms and ammunition to the settlement of Swiss in S. Carolina proposed by Mr. Purry of Neuchatel, who is now in Switzerland, raising his people, and for whom memorialist is named as trustee. The King has signified his pleasure to the Lords Proprietors, who have granted Purry 24,000 acres and agreed to transport at their charge from England to Charles Town 600 Swiss, who, four years hence, are to pay £300 sterling for ever. The Governor, Council and Assembly have voted provisions for 9 months, *etc.* *Signed*, John Vat of Watt. 1 p. [C.O. 5, 383. No. 10.]

July 20.

Whitehall.

686. Order of Lords Justices in Council. Approving the draught of an explanatory Charter for the Massachusetts Bay, and ordering warrant to be prepared for passing the same, *etc.* v. 6th Sept. *Signed*, Ja. Vernon. *Endorsed*, Recd. 19th Aug., Read 7th Oct., 1725. 1 p. [C.O. 5, 869. ff. 202, 203v.]

July 20.

Whitehall.

687. Order of Lords Justices in Council. Referring enclosed to the Council of Trade and Plantations for their report. *Signed*, Temple Stanyan. *Endorsed*, Recd. 2nd, Read 5th Aug., 1725. 1 p. *Enclosed*,

687. i. Petition of Francis Bond to the Lords Justices in Council. Petitioner was removed from the Council of Barbados for the sentence passed on Bernard Cook in 1719. Petitioner so far from having any animosity against Cook, was actually thanked by him for having been his only friend on the Bench *etc.* Asks to be restored, his integrity and loyalty being well known *etc.* $2\frac{1}{2}$ pp. *Enclosed*,

687. ii. Deposition of Edmund Sutton. Confirms preceding. 9th April, 1723. *Signed*, Edmund Sutton. *Copy.* $\frac{3}{4}$ p. [C.O. 28, 18. ff. 217, 218-219v., 221, 222v.]

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July 20.
Whitehall.

688. Order of Lords Justices in Council. Referring representation on the Act of New York *for the encouragement of the Indian trade* (16th June) to a Committee of the Council. *Signed*, Ja. Vernon. *Endorsed*, Reed. 19th Aug., Read 7th Oct., 1725. 1 p. [C.O. 5, 1053. ff. 324, 325v.]

July 20.
St.
Christophers.

689. Governor Hart to the Council of Trade and Plantations. *Replies to* petition of Wavel Smith and Savile Cust (v. 19th Feb.). (i) I refused to admit Mr. Smith to be sworn as of right into the offices of Register in Chancery, Register to the Court of Admiralty and Clerk to the Ordinary in St. Christopher's and Mountserrat, Clerk to the Ordinary in Nevis and Register to the Admiralty in Antegoa, because those offices are not comprehended under his patent of Secretary and Clerk to the Crown. That which has given colour to this demand, and been the incouragement to other Secretarys to think of purloining these offices from the Crown has been the Governors suffering the Secretarys to enjoy those offices in Antegoa, tho' they never permitted them, or any of their deputys to enjoy them in any of the other Islands *etc.* I agreed that Mr. Smith should hold these offices under my Commission till H.M. pleasure should be known, lest he should suffer if I were mistaken *etc. at length.* (ii) My private Secretary does not receive any fees that belong to the public Secretary, or were ever claimed by any public Secretary, as alleged. Your Lordships will be surprized when you hear that Mr. Smith has not only claimed a right to be my Clerk, and have the writing of all my letters, but likewise to be Clerk to the several Lt. Governors, and to every Justice of the Peace of the Islands, and that all their warrants ought to issue thro' his hands. (iii) As to the giving my assent to an Act of St. Christophers which takes away many fees belonging to him, his own deputy here confesses his office advanced by it. As to the offices claimed by petitioner, that is a question of law between him and the Crown, and I only stood up in defence of the rights of the Crown. *Hopes that the Board* will oblige Mr. Smith to make him reparation at least for the expense which he has involved him in. *Concludes* : This is but a faint specimen of his personal behaviour to me when he was here, and how much he made it his business to foment divisions and disturb the Government *etc.* I laid Mr. Popple's letter before the Council and Assembly *etc.* *Encloses* their Address and affidavits by former Deputy Secretaries. *Signed*, Jo. Hart. *Endorsed*, Reed. 30th Oct., Read 15th Dec., 1725. 14 $\frac{3}{4}$ pp. *Enclosed*,

689. i. Lord Carteret to Governor Hart. Nov. 6th, 1722.

Upon the appointment of Mr. Wavel Smith as Secretary of the Leeward Islands, requests him to put him and his deputies into possession of all such privileges and advantages as belong to that Office. *Signed*, Carteret. *Endorsed*, Reed. 30th Oct., 1725. $\frac{3}{4}$ p.

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689. ii. Deposition of John Helden, St. Christophers, 2nd June, 1725. When Deputy here for the Secretary of the Leeward Islands, 1702–1708, he acted as Clerk to the Ordinary, and in the Admiralty or Chancery Court only by special powers given by the Governor (Parke). *Signed*, John Helden. 1 p.
689. iii. Deposition of William Liddell, 22nd June, 1725. Whilst he was Deputy Secretary, St. Kitts, 1714–1722, the offices of Register to the Courts of Admiralty and Chancery, and Clerk to the Ordinary were executed by other persons by commission from the Chief Governours. *Signed*, Willm. Liddell. 1 p.
689. iv. Address of the Council and Assembly of St. Kitts to Governor Hart. Express their indignation at the false and ungrateful statements of Mr. Smith *etc.* 19 *signatures*. 2 long folded pp.
689. v. Deposition of John Esdaile, sr., 15th July, 1725. Caleb Rawleigh was commissioned by General Codrington to act as Register in Chancery for St. Kitts, and afterwards by General Park to be Register in Chancery and Admiralty Courts. Park commissioned James Rawleigh to be Clerk to the Ordinary. Deponent, when deputy Secretary of St. Kitts, was commissioned by Governor Douglas Register of the Court of Admiralty and Clerk to the Ordinary, and his son, John, Register in Chancery, *etc.* *Signed*, Jno. Esdaile, senr. *Sealed*. 1 large p.
689. vi. Deposition of John Esdaile, jr., 15th July, 1725. Corroborates last line of preceding. *Signed*, John Esdaile, junr. $\frac{1}{2}$ p. Nos. ii–vi, *endorsed*, Recd. 30th Oct., 1725. [*C.O.* 152, 15. ff. 140–141, 142–150, 151v., 152, 153, 154, 155, 156, 157v.]

[?July 20.] **690.** Petition of Francis Bond to the King. Prays to be restored to his place in the Council of Barbados, from which he was removed for consenting to the sentence against Bernard Cook (1719), which he regrets, but at the time did his best to mitigate *etc.* *Signed*, Francis Bond. *Without date*. 1 $\frac{1}{4}$ pp. [*C.O.* 28, 39. No. 21.]

July 22. **691.** Mr. Delafaye to the Council of Trade and Plantations.
Whitchall. The Lords Justices refer *following* for your opinion thereon *etc.* *Signed*, Ch. Delafaye. *Endorsed*, Recd. 26th, Read 27th July, 1725. 1 p. *Enclosed*,

691. i. Petition of Richard Fitzwilliam, Surveyor General of H.M. Customs for South America, to the Lords Justices. Col. Quarry, former Surveyor, (the better to enable him to recover some debts due to the Crown and to doe the duty of his Office) was added a thirteenth to

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the Council in the several Governments in his district. *Prays*, for the same reasons, to be added to the Councils of Virginia, South Carolina and Jamaica. 1 p. [C.O. 323, 8. Nos. 62, 62.i.]

July 26.
St.
Christophers.

692. Governor Hart to the Council of Trade and Plantations. I have the honour to inclose you a state of the case of a certain William White of the Island of Spanish Town within my Government; who kill'd one Cary thro' the door of his house, about midnight in May last with a muskett, under pretence that he did not know the said Cary, but beleiving it was some person coming to rob him: upon which he was confin'd by the Deputy Governor of Spanish Town. As there are but very few inhabitants on that Island, and no Courts of Justice being erected there, he cou'd not be legally tryed; Therefore the said White petition'd me that he might be brought up to St. Christophers and tryed there; and accordingly he was brought up prisoner hither. But as this fact was committed out of the body of the County of St. Christophers; I consulted Mr. Spooner H.M. Solicitor General of all the Leeward Islands, by what methods I might legally proceed *etc.* Mr. Solicitor advis'd me, that he cou'd not be tryed at St. Christophers but by the Statute of 33rd Henry the 8th, and that by that Statute he ought to be examin'd before H.M. Council here, which he accordingly was: and by the advice of the Council, as well as of Mr. Solicitor General, I issued a Commission of Oyer and Terminer, directed to the Council and four of the Judges of this Island *etc.* White was brought in guilty of murder by the Jury, and receiv'd sentence of death from the Court. I can say no more in relation to White, than, that he was convicted, rather from circumstances, than from any possitive proofs of his intention to murder Cary. The character of the man, had its proper weight, both with the Jury and the Court. But as this was a new case, no man having ever been tryed upon the Statute 33 Henry 8th in this Government; and Mr. Solicitor himself had some scruples whither that statute was not confin'd to the realm of England, notwithstanding the word Dominion mention'd in the said Statute; which in his opinion wou'd have extended here, had it not been enacted, before the settlement of these Colony's; upon this I sent a state of the case to Ashton Warner Esq. H.M. Attorney General of this Government, who was of the same opinion with Mr. Solicitor (that in so tender a case,) it wou'd be proper to have the opinion of H.M. Council learned in the law in Great Britain. Upon which I thought it proper to grant a reprieve to the said White, till I had laid this matter before your Lordships *etc.* I humbly pray that I may have your opinion upon it with all convenient speed, which will be a rule for me and my successors to govern themselves for the future *etc.* If your Lordships shall be of

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opinion, that White ought to suffer upon the sentence already pass'd on him, I desire your Lordships may transmit me your commands with all imaginable secrecy, lest an escape shou'd be attempted. *Signed*, Jo. Hart. *Endorsed*, Reed. 30th Oct., Read 4th Nov., 1725. 3 pp. *Enclosed*,

692. i. State of the case of William White with Queries thereupon. *v. preceding*. *Same endorsement*. 1½ pp. [C.O. 152, 15. ff. 130–132, 133, 133v.]

[July 28.] **693.** List of precedents, 1704–1719, of complaints against Governors of Plantations, shewing the method of procedure adopted. *Endorsed*, Reed., from Mr. J. Sharpe and Dr. Strahan, 28th July, 1725. 3 pp. [C.O. 152, 15. ff. 124–125v.]

July 28. **694.** Bryan Wheelock to Mr. Delafaye. Encloses following.
Whitehall. *Annexed*,

694. i. Council of Trade and Plantations to the Lords Justices. Upon Mr. Fitzwilliam, *quote* case of Col: Quarry (*v. C.S.P.* 24th June, 1702 *etc.*), *Conclude*: We have no objection to Mr. Fitzwilliam's being added to the number of H.M. Councils in Virginia, S. Carolina and Jamaica, which are within his district. [C.O. 324, 11. pp. 29–31.]

July 29. **695.** Duke of Newcastle to Lt. Govr. Dummer. I write
Whitehall. this to you at the request of Mr. William Woodside, son of Mr. James Woodside late Minister of Brunswick in New England, who desires to be appointed either Captain of Fort George at Brunswick, or Lieutenant of Castle William; and in regard to some circumstances which have been represented to me in his favour, I shall take it kindly of you, if you will give him a command accordingly of one of those two places. *Signed*, Holles Newcastle. [C.O. 324, 35. p. 151.]

[July ? **696.** Mr. Heard to Charles Delafaye. Encloses abstract
?1725.] of petition "sent in by the doorkeeper last Tuesday, by H.E. the Duke of Grafton's order" *etc.* *Signed*, J. Heard. ½ p. *Addressed*. ½ p. *Enclosed*,

696. i. Abstract of petition of inhabitants of Dorchester (*v.* 6th July). 1 large p.

696. ii. Duplicate of preceding. [C.O. 5, 752. Nos. 29, 29. i, ii.]

July–Aug. **697.** Journal of Tobias Fitch of his journey to the Creek Indians, and negotiations with them. *Signed*, Tobias Fitch. *Copy*, dated 21st May, 1726. Certified by Hen. Hargrave, Deputy. Secry. 41¼ pp. [C.O. 5, 12. ff. 38–58v.]

1725.

Aug. 2.

Jamaica,
Spanish
Town.

698. Governor the Duke of Portland to the Council of Trade and Plantations. I should not have troubled your Lordships at this time when nothing offers itself worth taking any notice of, and that everything is in a state of tranquility, expecting letters and directions from England, was it not that I might be thought negligent *etc.* I am busy in the mean time in rectifying as much as I can severall neglects and abuses, which have been overlook'd, if not countenanc'd too long, but this is a work not to be done at once, which is attended with a good many difficulty's, and wish I cou'd say that there are no obstructions given to it; however shall not be discourag'd, and intend to go on, in whatever I am satisfied and convinc'd is for H.M. service, and the good of this Island. I can't flatter myself when I reflect on the tempers of those I have to deal with here, that there will be none who will grumble or complain, but I hope I may venture to affirm, that those complaints (if any) will be found groundless, and the countenance, I promise myself, I shall always meet with from home, in every thing that can be done consistent with the trust repos'd in me, will make me slight the noise and clamours, which must have prevented attempts of this kind formerly. What likewise at present takes up some of my time, is the constant care about the partys sent out (if possible) to destroy the runaway and rebellious negro's, but as whatever concerns the Publick is perform'd and executed with such negligence, and attended with so many difficulties, besides the charge which is pretty considerable; I can't yet tell whether these partys will answer expectation; They certainly will do good, and if all matters were under a good regulation, these partys wou'd effectually have done the intended service *etc.* *Signed,* Portland. *Endorsed,* Recd., Read 26th April, 1726. 2 pp. [C.O. 137, 16. ff. 215-216v.]

Aug. 2.

Jamaica,
Spanish
Town.

699. *Same* to the Duke of Newcastle. *Repeats preceding.* *Signed,* Portland. *Endorsed,* Rd. April 26th, 1726. 2 pp. [C.O. 137, 52. ff. 153, 153v., 154v.]

Aug. 2.

700. Wm. Blakeway, Judge of the Vice-Admiralty, S. Carolina, to Mr. Burchett. Yesterday arrived here a sloop from Jamaica, the Master whereof informs me, that some French and Dutch ships, who had been down on the Spanish coast, in order to trade, arrived at Jamaica just before he sail'd, and gave an account, that the Spaniards of the Kingdom of Peru, finding the prohibition of foreign trade severely put in execution by the Vice-Roy, and several of the principal of their merchants hang'd for trading, contrary to the laws of Spain, they have proclaimed a new Vice-Roy for themselves, pretending to make their own terms with the Crown of Spain: whatever may be their first intentions or pretence, this is thought to be a revolt, and they are become so vastly numerous

1725.

in all those Provinces, that I question, if all the power of Spain can reduce them *etc.* *Signed*, Wm. Blakeway. *Endorsed*, Enclosed in Mr. Burchett's letter of 30th Sept. *Copy.* 1 p. [C.O. 5, 383. No. 11.]

Aug. 5.
Whitehall.

701. Council of Trade and Plantations to the Lords Justices. *Representation* upon complaints against Governor Hart (*v.* 22nd June). We have been attended by petitioners and their Counsel, as likewise by Counsel in behalf of Colo. Hart *etc.* The complaint consists of many charges, whereof the principal seem to us to be those which relate to Mr. Hart's suspending and appointing Councillors, contrary to his Instructions, and to his receiving large presents from the Councils and Assemblys of the Islands under his Government. As to the Councillors, *quote their letters of* 20th Aug., 1724 and 27th April, 1725 *q.v.* *Continue*: As to the presents, the petitioners referred to the Minutes of Assembly of Antego, 10th Jan., 172½, and to the Minutes of the Council in Assembly of the said Island, 15th Nov., 1723, for the sums of £1000 and £600 mony of that Island; and by the said Minutes it does appear that those sums were voted for Colo. Hart. It does also appear by one of Colo. Hart's speeches to the Council and Assembly of Antego, transmitted to us by himself, that he had at different times received £4300 mony of that Island, from the said Council and Assembly: But whether the sd. sums were received by him as presents, contrary to his Instructions, or by virtue of the Acts which he was allowed to pass there for his better support, pursuant to his Instructions, we cannot take upon us to determine, having no evidence before us to fix the several times of receipt, or the heads upon which the respective paymts. were made. The compt. contains sevl. other particulars, to some of which the petitioners were not prepared to offer evidence, and other heads of the charge might probably admit of explanations, if Mr. Hart had time to answer thereunto; and forasmuch as the Council who attended in behalf of Col. Hart, declared they were not instructed to make a defence to this compt., and therefore pray'd that copies of the same might be transmitted to him, and a reasonable time allowed for his answer, we shall not trouble your Excellencies with the particulars laid before us any further at present, but beg leave humbly to submit to your Excells., whether it may not be proper that Mr. Hart be acquainted with the matters laid to his charge, and have an opportunity of making his defence. [C.O. 153, 14. pp. 193-196.]

Aug. 5.
Whitehall.

702. Order of Lords Justices in Council. Approving of Representation of 28th July and appointing Richard Fitzwilliam to the Councils of Virginia, S. Carolina and Jamaica *etc.* *Signed*, Jas. Vernon. *Endorsed*, Recd., 19th Aug., Read 7th Oct., 1725. 1 p. [C.O. 323, 8. No. 63; and 5, 4. No. 26.]

1725.

Aug. 6.
St.
Christophers.

703. Governor Hart to Mr. Popple. *Acknowledges* letter of 1st Oct., "with an authentick collection of the Acts of Montserrat pass'd before 1712 that have been confirm'd, which I have sent to Montserrat; and have a letter of thanks from the Council and Assembly." *Acknowledges* letter of 23rd Nov. *Continues*: I sent a copy to Capt. George, Lt. Governor of Montserrat, to make inquirey into the case of Molineux and Garet with secrecy, before I proceeded to a publick examination on it: which I intended to do in person, but have been prevented by the many indispositions I have laboured under, which has reduced me to so great a degree of weakness, that I am utterly incapable of performing it, so must remit it to the Lt. Governor to examine into that affair, and make his report to me *etc.* I have several matters to impart their Lordships, but the unhappy state of my health will not permit me *etc.* *Signed*, Jo. Hart. *Endorsed*, Recd. 30th Oct., 1725, Read 27th Jan., 172 $\frac{1}{2}$. 2 pp. [C.O. 152, 15. ff. 226, 226v., 227v.]

Aug. 14.
Barbados.

704. Governor Worsley to the Duke of Newcastle. *Encloses* two Acts lately passed, (i) *requiring all persons to produce to the Treasurer for the time being all orders for money due to them from the publick etc.*, and (ii) *to prevent the dangers from contagious distempers brought here by ships, etc.*; also Minutes of Court of Chancery, 14th April—4th Aug. *Continues*: The time for the sitting of the Assembly for the last year expiring the beginning of July, I issued out new writts for the election of a new Assembly who were chosen the 27th of the said month with the greatest tranquility, and not the least disturbance in the whole Island. The present Assembly have already pass'd an Excize bill and I have taken particular care in this, that no English liquors should be subjected to any duty's, which last year I was fore'd to do by an Act to repeal that clause in the Excize Act. H.M. Order in Council, in relation to that head, not coming to my hands 'till after the last years Excize bill was pass'd *etc.* *Signed*, Henry Worsley. *Endorsed*, R. Nov. 1st. 3 pp. [C.O. 28, 44. No. 96.]

Aug. 14.
Barbados.

705. *Same* to the Council of Trade and Plantations. Duplicate of preceding. *Signed*, Hen. Worsley. *Endorsed*, Recd. 2nd, Read 17th Nov., 1725. 3 pp. [C.O. 28, 18. ff. 232-233v.]

[Aug. 14.]

706. *Enclosed in preceding covering letter.* Proceedings of Court of Chancery, Barbados, April 14th—Aug. 4th. 7 pp. [C.O. 33, 27. No. 4.]

Aug. 15.
Montserrat.

707. Lt. Governor George to Mr. Stanyan. *Encloses* two letters for Messrs. Pierce's, "the Gentn. recommended by you.

1725.

I hope the contents will prove agreeable to them" *etc.* *Encloses* letter for Lord Gage, which he asks him to deliver. *Signed*, Paul George. *Endorsed*, Rd. Oct. 22nd. *Holograph*. 1 p. [C.O. 152, 42. No. 148.]

Aug. 17.
New York.

708. Governor Burnet to the Duke of Newcastle. Asks for confirmation of his appointment of Walter Butler to succeed Lt. John Scot deed. "He was a lieutenant upon half pay and has remained here ever since the expedition against Canada" *etc.* *Signed*, W. Burnet. *Endorsed*, Rd. Nov. 4th. 1½ pp. [C.O. 5, 1092. No. 41.]

[Aug. 19.]

709. Petition of John Greatheed to the Lords Justices. Prays for a renewal of H.M. grant, in petitioner's name, of lands in the late French part of St. Kitts, purchased by him from Richard Atkins, who bought them from the original grantee, Capt. Robert Jackson, in 1715. 1 p. *Overleaf*,

709. i. The Lords Justices refer *above* petition to the Council of Trade and Plantations for their report thereon. *Signed*, Ch. Delafaye. ½ p. *The whole endorsed*, Recd. 1st Sept., 1725, Read 27th Jan., 1725½. [C.O. 152, 15. ff. 224, 224v., 225v.]

Aug. 19.
Whitehall.

710. Council of Trade and Plantations to the Duke of Newcastle. *Enclose* extract of letter from Governor Phenney, with affidavits. *Continue*: By which your Grace will see that the Spaniards do continue to interrupt the trade of H.M. subjects in the American seas in a most open and avow'd manner contrary to publick faith and the Treaties subsisting between the two Crowns *etc.* But as your Grace must undoubtedly have received several complaints from the West India merchants of the like nature; we doubt not but your Grace will obtain H.M. orders that the necessary applications for redress may be made to the Court of Madrid. *Enclosed*,

710. i. Extract of Governor Phenney's letter to B. of T. April 16.

710. ii-vi. Copies of depositions encl. Ap. 16. iii-vii. [C.O. 23, 12. Nos. 87, 87.i-v (*without covering letter*); and (*covering letter only*) 24, 1. pp. 75, 76.]

Aug. 19.

711. Francis Fane's patent to be Counsel to the Board of Trade. *Countersigned*, Bisse and Bray. *Latin*. *Copy*. [C.O. 324, 49. ff. 36, 37.]

Aug. 26.

712. Mr. Popple to Mr. Shelton. *Reminds him* of letter 12th Nov., 1723, and *requests* speedy answer from the Lords Proprietors of Carolina upon the proposal for determining the bounds with Virginia *etc.* [C.O. 5, 1293. p. 345.]

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Aug. 27. **713.** Mr. Popple to Mr. Carkesse. Encloses extract of Whitehall. letter from Lt. Governor Drysdale, relating to the importation of English wrought iron from Ireland directly to Virginia, for the opinion of the Commissioners of Customs thereon. [*C.O.* 5, 1365. p. 279.]

Aug. 27.
Province of
N.
Hampshier.

714. Lt. Governor Wentworth to the Council of Trade and Plantations. *Denies* Mr. Burniston's suggestion, conveyed to him in a letter from Governor Shute, that he had written one thing to him and another to the Board *etc.* about his taking care of the woods *etc.* *Refers* to letter of 20th Aug. 1723, and his letters to the Surveyor General *etc.* *Continues:* One principle reason why I so strongly insisted for a person of full power his being on the spot was in regard to the Massachusetts Government who have never taken the care that has been in this Province, but they have layen on that fine spot of pine trees I formerly advised your Lordships off: the last winter I wrote Lt. Governor Dummer to send or appoint officers and what dammage it was to the Crown (to suffer such spoyle), he soon after gave answer to my letter, and wrote to principle men to forbid and did what he could this timber still might be sav'd if ye line between ye two Govermts. were settled *etc.* My intent by what I wrote to your Lordships and the Surveyor General was to serve the King's intrest and that I might have some consideration for my expence and trouble either through the favour of my Royall master or by some agreement with Mr. Burniston *etc.* I can produce certificates under the hands of 500 principle men that I have prevented the destruction of thousands of pine trees this last winter *etc.* I shall continue to do my duty in case the proper officer do not arrive *etc.* This Province in conjunction with the Massachusetts are in a treaty of peace with our Eastern and Canada Indians and in all probability shall agree on terms. I have been employed three times on that occasion. The Indians will say, Yes, to everything you propose and yet when ye French Jesuits comes to say their say, why Indians will onsay what they have said in favour of the English, and upon the least disgust being prompt on by the French they'll make war again, however we shall take all possible care to bring them to ye intrest of the Crown *etc.* *Refers* to Lt. Gov. Dummer for particulars when completed. *Encloses* Journal of Council and Acts passed Nov. 1724–May, 1725 and account of stores of war. *Concludes:* Your Lordships will please to see yt. our stock is very low. I am obliged to abate the salutes for want of powder *etc.* *Signed,* Jno. Wentworth. *Endorsed,* Recd. 8th Nov., 1725, Read 30th June, 1726. 3 pp. *Enclosed,*

714. i. Account of powder and stores of war Fort William and Mary, 28th May, 1724–1725. *Signed,* Jno. Wentworth. *Endorsed,* Recd. 8th Nov., 1725. 2 pp. [*C.O.* 5, 869. ff. 251–254.]

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Sept. 1. **715.** Council of Trade and Plantations to the Duke of
Whitehall. Newcastle. *Refer* to letter of 19th Aug. *and add* Lt. Governor
Drysdale's account of seizure of British ships by Spaniards,
"that your Grace may be pleas'd to obtain H.M. Orders for
the necessary application to the Court of Madrid for redress
of these repeated grievances upon the British trade." *Auto-*
graph signatures. 2 pp. *Enclosed,*

715. i. Extract from Lt. Governor Drysdale's letter referred
to in preceding.

715. ii-iv. Copies of affidavits of Thomas Mousell, Theodore
Bere, and John Jones, enclosed with preceding. [C.O.
5, 1343. Nos. 3, 3. i-iv; and (without enclosures) 5,
1365. pp. 281, 282.]

Sept. 2. **716.** Order of Lords Justices in Council. Approving
Whitehall. report, of Aug. 5th, and ordering that copies of the petitions of
complaint *etc.* against Governor Hart be transmitted to him
for his answer in writing with all convenient speed *etc.* *Set*
out, A. P. C. III. No. 86. *Signed,* Robert Hales. *Endorsed,*
Recd. 10th Nov., 1725, Read 28th Jan., 172 $\frac{1}{2}$. 2 pp. [C.O.
152, 15. ff. 228, 228v., 229v.]

Sept. 4. **717.** John Hammerton to Charles Delafaye. Enquires
whether the Duke of Newcastle has given any orders about
his affair, upon which he came on purpose from Jamaica *etc.*
(v. Oct. 27th). *Signed,* John Hammerton. *Addressed.* 1 p.
[C.O. 5, 383. No. 12.]

Sept. 5. **718.** Lt. Governor Armstrong to [? the Duke of Newcastle].
Canso. *Transmits* his transactions, which he hopes will meet with his
approbation and incline H.M. "to take some notice of this
almost forgotten Province" *etc.* *Continues:* Through pure
zeal for my King and Country's services, I heartily recommend
to you, in behalf of H.M. subjects here, not only the whole
province, but this part of it in particular, which through H.M.
countenance and your patronage, will soon be equal to (if not
excell) any of the Colonys in North America, and bring in as
great, if not a much greater revenue; not only by the fishery
and its own inland produces, but foreign trade, from the
commodiousness of its situation: which I hope you will take
into your consideration, and so lay the same before H.M., as
may forward the security of its settlement by a royall fortifi-
cation, for the subjects are as yet discouraged, having
no shelter from the daily insults and cruel massacrys of the
Indians, who are supported and clandestinely encouraged by
the french; who enveying our growth and encess, supply
them with powder and ball *etc.*, in order to disturb our
settlements: And last winter they were even piloted to this
place, by one William Godet and one Petitpas (throug no

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doubt the instigation and contrivances of most on the island of Cape Breton). Being informed of these and a great many more of their underhand dealings, I judged it my duty to write to Govr. St. Ovid for redress. *Refers to enclosures. Continues:* You will see that all the satisfaction I could get, is only pretended ignorance, of notorious matters of fact, and ambiguous fair promisses of friendship without any punctuall performances. And for his excuse in supplying of about 200 of them this year, says that it is His Most Christian Majesty's orders to him to distribute to the Indians their annual presents, which chiefly consists of arms, powder and ball etc., by which we British subjects do greatly suffer, the warr being thereby fomented and prolonged; which I doubt not you will lay before H.M. in order to be represented to the Court of France. I have also sent you my letter to the Lt. Govr. of New England upon his information that the Indians towards the Easterd of that Province were sueing for peace, with my instructions to Major Paul Mascarene and Hibbert Newton Esq., Members of this H.M. Council, to act as Commissioners, on behalf of this Province, with some articles to be demanded of the Indians; that by a separate peace, we may not be left alone to the fury of their insults. By reading of all which and the Minutes of Council, which I likewise (in my time) now send you, you will I hope find that I have to the utmost of my power acted for the intrest of H.M. as well as for the subjects' benefit who in this place (through my instigation) have built at allmost their own expence sevl. blockhouses for their present security, being in hopes that H.M. will graciously take them into his Royall protection: and the list of ships etc., with the quantity of fish taken and sent abroad from this port (which I now send you) will I hope forward the same. I arrived here the 29th of May last and have not been able to proceed to Annapolis Royall, but do intend it, if possible, early in the spring, having been obliged to remain here to consult and contrive matters for the security of this place, and in order to that, I was obliged for the protection of the fishery to man two vessells to cruize upon the coast and up the Bay of Vert, to prevent the Indian piracys etc., which also gained us some reputation amongst the French; which with the building of blockhouses etc. I have done with very little expence to the Government, which might have been abridged had the schooner the *Willm. Augustus* been in any manner of repair. And as she hath neither cables or anchors, or any manner of sails or rigging, that are worth anything, I beg your directions what must be done with her, and whether I may cause her to be refitted for the service of the Province. It being very demonstrable from the great concourse of English subjects here, that this is the principal seat of Government, I intend to bring Major Paul Mascarene, Hibbert Newton, William Skeen and William Shirreff, Esqs.,

1725.

Gentlemen of the Council at Annapolis Royall, down to this place, in order to have a quorum; and whereas there are several vacancys, I have herewith sent you the names of the present members, of those who are absent, and the names of others whom I think the most proper to supply their places, which I hope will be filled up for H.M. service. And whereas in all the other parts of this Government, the inhabitants are all French (except one or two familys at Annapolis, Indept. of the troops, that are English) who have never taken the oaths of allegiance to H.M., I shall be glad of your directions in relation to them, and for constituting of an Assembly and other Courts of Judicature here, the people so much desiring it, which will not only add to the authority of the Government but in a little time very much lessen the publick charge *etc.* *Signed, L. Armstrong. Endorsed, Rd. Nov. 15, 1725. 6 pp. Enclosed,*

718. i. List of Councillors of Nova Scotia: *Present*, Major Paul Mascarene, John Adams Esq., Hibbert Newton Esq., William Skeen Esq., Willm. Shirref; *Absent*, Cyprian Southack, Gillam Phillips, Arthur Savage, Esqrs., of New England, absent for about these four years; Rev. John Harrison, now in England and absent about the same time. Peter Boudre, decd. *Proposed to supply their places*: John Calley, Edward How; Capt. Thomas Wroe; Hunck Winckworth; Jos. Peirce. Being all inhabitants of the best estates and the most capable *etc.* *Signed, L. Armstrong. 1 p.*
718. ii. An account of those (49) who had fishing rooms (with their situation) laid out for them by order of the Government in Canso. *Signed, L. Armstrong. 9 pp.*
718. iii. Minutes of Council of Nova Scotia, Canso, 11th, 12th and 31st Aug., 1725. *6 pp.*
718. iv. Lt. Governor Armstrong to Governor St. Ovide de Brouillan. Canso, 12th Aug., 1725. *Complains of* "many irregularitys clandestinely transacted by some of the people in your Government in order to disturb and annoy H.M. subjects, by entertaining, prompting and encouraging the Indians to committ their barbarous and cowardly hostilitys, in supporting them with presents and continual supplys of ammunition, not only given them at Cape Breton, but conveyed to them by the illegal French traders, both in this and your Government; which I would willingly have depressed for the benefit of both: and in order thereunto I must acquaint you; that I am resolved to make prizes of all that falls into my hands, except such as I have permitted to supply yourself and the rest of the Gentlemen with such necessary refresh-

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ments as this Government can afford" *etc.* *Asks for* his concurrence in strictly prohibiting the exportation of such warlike stores, and for the apprehension and return of deserters. *Sends* Hibbert Newton and Capt. Bradstreet with this letter. *Signed*, L. Armstrong. *Copy.* 2 pp.

718. v. Instructions of Mr. Newton and Capt. Bradstreet, on above mission. *Adds* :—If through Governor St. Ovide's influence, the Indians can be brought to a safe peace, we are ready to receive their proposals. This is to be suggested with care, so that it may not appear that we are suing for peace *etc.* "You are to acquaint him of the irregular proceedings of the priests and Romish clergy in presuming to come into this province by any other authority than that of H.M. As they have always been the chief incendiaries and disturbers of our peace; I am resolved there shall be none permitted to remain, but such as shall be authorized by this Government; and therefore I expect, that all who are not, will be immediately recalled." Whereas one Peter Allan of Minis in this province lately sold at Lewisburg a vessell piratically taken from subjects of Gt. Britain by the Indians, you are to demand the arrest and surrender of him and the vessel *etc.* 12th Aug., 1725. *Signed*, L. Armstrong. *Copy.* 2½ pp.

718. vi. Instructions of Major Paul Mascarene, 31st Aug., 1725, to go to Boston and act as Commissioner on behalf of Nova Scotia in the negotiation of the peace with the Indians now on foot. He is to be guided by the articles agreed upon by the Governor and Council at Annapolis Royal, 3rd Nov., 1724, to be demanded of the Indians at the negotiation of a peace with the Indians. He is also to have inserted in the Articles of Peace, that none of their people shall assist to conduct off any of H.M. soldiers from any of the garrisons of this Province, but bring them back when they shall meet with any such, *etc.* Any injuries committed on either side are to be referred to the Government, *etc.* "You may also signifie to them the great concerne and regard that H.M. hath for them, that for the encouragement of intermariages with them and his own natural born subjects, he hath promised a reward of £10 sterling" *etc.* *Signed*, L. Armstrong. *Copy.* 4½ pp.

718. vii. Articles (7) to be demanded of the Indians agreed upon by the Governor and Council of Nova Scotia, 3rd Nov., 1724 (*v. preceding*) (iii) Satisfaction to be made for the plundering of traders which caused the

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war, and for depredations since. (iv) As they are all of the Romish persuasion, they shall enjoy the exercise of their religion, but only have such missionaries amongst them as H.M. Government shall approve of *etc.* (vi) As they have hitherto behaved with so much treachery, hostages must be given for the observance of these articles *etc.* *Copy. 2 pp.*

718. viii. Proceedings of Hibbert Newton and Capt. Bradstreet with the Governor of Cape Breton, on Aug. 19th, 1725. (i) M. St. Ovide said that he would come into any measures with Governor Armstrong to put a stop to the supplying of our Indian enemies with warlike stores by French subjects contrary to the treaties of peace. But as to the French Government supplying them with arms and ammunition, of which we complained, he said that it was the King of France's orders to give the Indians their usual presents every year. The only way to redress it, was for the English Government at home to represent the matter to that of France. He said he had several times proposed to Major Cosby a method of making peace with the Indians. We replied that we could not trust them unless assured by hostages of their good behaviour, and that then Govr. Armstrong and the Council were ready to listen to their offers. Otherwise, it was much safer to be at war and on our guard, than to make a truce with such villains, who take all opportunities to break out. He assured us that the Indians who recd. their presents the day before we arrived, should in no wise trouble the English. Those who committed the hostilities at Canso did not yet appear in his sight, for they knew how he resented their action, and they should not receive their presents so soon as they imagined. He had spoke and sent to most of the chiefs of the Indians, vizt., those of Menis, Cobegit, Pipigit, Shigcabnacady, Miramissy *etc.*, who seem very much to desire a peace, but he is apprehensive that the Indians of St. Johns River and Ponobscutt would not so readily come into it, as being a people inured to war. We answered, that he need not give himself any further trouble, if they all did not come in, and that we have not lived so long in this country to be ignorant of the Indian ways, and what force the St. John's Indians were off *etc.*, nor would be imposed upon so easily as he imagined. He said nevertheless he'd endeavour in July next, wch. was the proper time to assemble the chiefs of the Indians at the Gut of Canso, at St. Peters or somewhere else

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in his Government, in order to continue for the best. Because he had recd. orders lately from the Court of France to aid the English Government to make a peace with the Indians, *etc.* He thought it a hardship that small vessells were refused to go into the Bay of Verte to bring some refreshment for the garrison and that we may some time or other be in need of each other's assistance. We answered that Governor Armstrong had too great a value for his Christian Majesty's officers to refuse them any refreshment provided they made proper application. He answered it was reasonable and wished Governor Armstrong would confiscate all vessells from Lewisbourg or elsewhere in his Government that presumed to trade or pass into the English Government without the Government's leave. We informed him that the prisoner Gilliam Godet, who piloted the Indians to Canso, as also severall others whom he little suspects, are ready to make oath, that the Indians were ordered by Mr. La Valliere to take the said Godet and Paul Petitpas to Canso and sent the Indians 100 lb. of powder and 1 cwt. of ball with 8 or 9 of the King's arms for the expedition against Canso, wch. gives us a great deal of room to believe, that they are underhand with us. He said he could never believe that. We assured him that the New England Indians who came yearly to Canso and have lost friends and relatives being possessed with the same notion, that the French act underhand with the Indians, are resolved to fall on the French plantations in his Government. He seemed to make very slight on it, and said if they did, he'd never complain to Govr. Armstrong; they might come whenever they pleased, but the settlements in his Governmt. were but poor objects. We answered, just such as Canso, that one good turn required another, and we were assured our Indians were as capable and much more resolute than theirs. Mr. St. Ovide said he would observe the Treaty in relation to deserters, *etc.* and send them back by all opportunities. We told him none were ever yet returned till claimed by us and that we always sent theirs back before they were demanded, for we had no need of them. As to the Romish Clergy, he agreed that Govr. Armstrong was intirely in the right, but it was the Bishop of Canada and the Superior here, not he, who had the management of them. As to Governor Armstrong's resolve that none of those belonging to the Parizian order enter or remain in his Government, he said so much the

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better, for they are all sowers of discord. He said that Peter Allaine (*v. encl. v.*) was gone to Menis: if we could inform him of the vessel being in his Government, he would seize her. *List of* (14) English vessels (mostly from Massachusetts and New York) that have been at Lewisburg to trade. *Signed*, Hibbert Newton, John Bradstreet. *Copy.* 6½ pp.

718. ix. Governor St. Ovide de Brouillan to Lt. Governor Armstrong. Louisbourg, Isle Royale, 3rd Sept. (N.S.) 1725. Is sure that no French subject has taken powder or lead to the Indians in Nova Scotia. Such commerce is forbidden. Would gladly punish transgressors. In future will instruct those who go to buy cattle for this Government to pass through Canso, so that they can be searched for arms *etc.* *Signed*, St. Ovide de Brouillan. *French. Copy.* 2 pp.

718. x. Lt. Governor Armstrong to Lt. Govr. Dummer. *Returns thanks* for information of proceedings with Indians and *refers to* mission of Major Mascarene (*supra*). *Continues*: The Indians in this Government (by secondhand) have shewed some inclinations of peace, but being daily supported and clandestinely encouraged by our neighbours, the French, they still continue stubborn, however I am in expectation they will send me proposals for a treaty, wherefore that I may act for the good and intrest of your Government as well as this, I shall be glade you will favour me with your demands, for a separte peace will only give them opportunitys of disturbing us both. *Sends copies of Nos. v.—ix. supra*, “by which you will see the trifling and chicaning ways they take to schreen themselves by giving only fair promisses without any other effectual performances; And whereas they at Cape Breton are chiefly supported with allmost all manner of necessaries (as you will see by the list of vessels that have been there this year) from H.M. Plantations, it would, in my humble oppinion, be necessary to put a stop, if possible, to that illegal trade, and if methods can be contrived in your Government and the others adjacent to prevent the same, I shall willingly joyn in performing my part,” *etc.* *Signed*, L. Armstrong. *Copy.* 3 pp.

718. xi. *Same* to Thomas Lechmere, Surveyor General of the Customs. *Welcomes* the appointment of Hibbert Newton to reside at Canso, and regrets he did not come in the spring, “for most of the vessells being gone before his arrival, it was judged necessary, that those few remaining should have the same priviledges this year as they have had for those past” *etc.* *Refers*

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to illegal trade with Cape Breton and his mission on that point, *supra*. Signed, L. Armstrong. Copy. 2 pp.

718. xii. Observations made by Lt. Governor Armstrong on the advantage this country might prove to Great Britain. (i) Its size (described)—500 leagues in circumference. (ii) The great number of harbours and its easy navigation (Bay of Funda excepted) makes it the most commodious Colony for the fishing trade, were it well peopled *etc.* At present not any place is yet settled but Cape Canso. (iii) From the coast of Nova Scotia, the people of New England trade in cod-fishing, one year with another, upwards of £150,000 that country money *etc.* Inhabitants settled along the coast could easily increase that trade sixfold. (iv) A great many other branches in trade of great consequence in settling this Colony with British subjects may be added, as the vast plenty of herrings, mackrell, bass, sturgeon and the greatest salmon fishery in the world; besides an abundance of whales in the season of the year, almost on all the coast, with great quantities of seal, which if industriously improv'd would employ thousands of people, and bring in greater revenues to H.M. Customs, than any other trade, *etc.* (v) As to the inland commoditys that may be drawn from this large province, there is not anything, which our east and northern countrys of Europe produces, but the like also may be made in this province, both as to the quantity and quality (with time) namely, rosin, pitch, tarr, deal boards and planks of all sorts of timber, *etc.*, with the largest masts in the world, enough to secure the nation for ever, provided they employ honest men for Surveyors of the woods, with proper instructions *etc.* (vi) The soil, when it is cleared from the woods, is as fertile and rich as in any part of the world, and bears good wheat, barley, rice, pease, beans, and all other grain that Europe affords with hemp, flax, *etc.*, which at present for want of hands little or no progress is made in those manufactures; there is likewise all manner of garden roots and herbs, full as good as in any other part, and cattle of all kind. Therefore if most part of our idle hands in the Three Kingdoms were to be employed in the populating and settling this large province, H.M. would have such a nursery of seamen, as wou'd, upon all occasions serve to man the greatest fleet *etc.*, and provide all naval stores *etc.* (vii) The French inhabitants that live in the several

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parts of this Province are about 8 or 900 families, all Papists, and not one of them will take the oaths to King George, amongst those are a great many missionary priests, who dayly draw over the Indians of the country to the Romish religion, and has inculcated a hatred inexpressible against the English; Therefore it will require great industry to reduce those people to their allegiance; by reason the Governours of the severall French collonys in America, by way of present, do's supply the Indians with all manner of arms and ammunition, and all other comoditys *etc.*, in order to secure them in the French interest; in lieu whereof they get from them all the fur trade to themselves; and make those Indians, the instruments of all the roberrys and mischiefs that is committed against the subjects of Great Brittain, a late instance whereof happened in 1720 at Canso *etc.* *Proposes* building of forts *etc.* *Signed*, L. Armstrong. $2\frac{1}{4}$ pp.

718. xiii. Lt. Governor Armstrong's Order for a return of the provisions in store for the Garrison. Canso, 14th July, 1725. *Signed*, L. Armstrong. *Copy*. 1 p.
718. xiv. Order for an estimate of the value of same. 13th Aug., 1725. *Signed*, L. Armstrong. *Copy*. $\frac{3}{4}$ p.
718. xv. Estimate as required in preceding. Aug. 13, 1715. *Signed*, John Calley, Thomas Wenmoth, Thomas Wroe, Hunking Wentworth, Josh. Peirce, Ellias Davis. *Copy*. $\frac{3}{4}$ p.
718. xvi. Return as ordered No. xiii. 6th Aug., 1725. *Signed and sworn to* Henry Daniell, James Gibson, Richd. Richardson. *Copy*. $\frac{3}{4}$ p.
718. xvii. List of ships that have taken and cured fish and exported same to foreign markets *etc.* in 1725. *Totals*: 202 vessels with 1169 men; 56,357 quintals of fish, value £31,935 12s. 8d. sterl. *Mem.*: Very neigh as many more of refuge fish shipt off for Barbados, Jamaca, and the Leward Islands *etc.* *One large folded p.* [C.O. 217, 38. Nos. 7, 7. i. x—xvii.]

[? Sept. 5. **719.** Lt. Governor Armstrong to the Council of Trade and Without Plantations. Repeats preceding covering letter, *mutatis date.*] *mutandis.* *Signed*, L. Armstrong. *Endorsed*, Reed. 17th Nov., Read 1st Dec., 1725. 6 pp. *Enclosed*,

719. i—viii. Duplicates of encl. Nos. i, ii, xii—xvii preceding. [C.O. 217, 4. ff. 270—287v.; and (abstract of covering letter) 217, 30. pp. 17, 18.]

Sept. 5. **720.** Lt. Governor Armstrong to Mr. Popple. *Recommends* Canso. his (above) transactions to his protection and friendship.

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Continues: I hope after you have perused, with the great advantage this port is to the revenue of the Crown, you will induce their Lordships to lay them before his most sacred Majesty, yt. something may be done by Parliament to fortify and protect this port, trade and fishery, and also that I may have directions to remove the Council from Annapolis to Canso, as well as an order to appoint a General Assembly composed of 24 of the principall inhabitants to make laws for the good government of the Province, otherways the best man on earth cannot manage and govern them, and tho' I have not reed. the value of one shilling from any of them yet I believe there may be some complaints sent home against me by some of the most villainous principle amongst them, which are without any foundation, yet however they may do an honest man hurt at this distance from home. By the packett you see what misfortune I labour under, in being obliged to find provisions for 152 men since 1st June computed at 3 pr. man per diem to the last of May next amounts to £693 10s. sterl., without any manner of credit for the same, unless my Attorney recovers it from Mr. Missing the contractor in London, which I presume he will not without an order from their Lordships and the Secretary of State. I beg your assistance *etc.*, for without it be received my credit will be utterly ruined, and the troops reduced to a starving condition *etc.* P.S. I beg your acceptance of half a dozen sable skins for a tippett to yr. Lady and a loucervie skin for yrself, being all I could gett since my arrivall *etc.* *Signed, L. Armstrong. Endorsed, Reed. 8th Oct., 1725, Read 31st May, 1728. 3 pp. [C.O. 217, 5. ff. 17-18v.]*

Sept. 9. **721.** Mr. Newman to the Duke of Newcastle. Requests Middle Temple. that his memorial concerning the boundaries of N.H. may be laid before the Lords Justices *etc.* *Signed, Henry Newman. Holograph. 1 p. [C.O. 5, 931. No. 14.]*

Sept. 10. **722.** President Middleton to [*? the Duke of Newcastle*]. The Agent of this Province has orders to waite on your Grace with severall papers lately sent to me by the Governour of St. Augustine, amongst which I find a copy of a letter from your Grace to the Spanish Ambassador in London acquainting him, that it was H.M. pleasure that orders shold be despatched to the Government of Carolina to settle the bounds of the two Governmts. wth. the Governour of St. Augustine, and that in case the fort erected on Allatamahaw River should be found within the Spanish territoryes, the same should be imediately demolished, or an equivalent given for the same. I humbly take leave to represent to your Grace that the said river was never in the possession of the Spaniards, therefore I humbly presume cannot be reckoned within their territoryes.

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I further crave leave to lay before your Grace the ill consequences of demolishing the said fort, for should they take possession of that river (as wee have reason to beleive they will, if the same be given up) they will entirely deprive this Province of all the trade, and obedience of the Western Indians, which will not only leave us naked and defenceless, but greatly hinder the consumption of the woollen and other Brittish manufactures ; I further beg leave to represent to your Grace, that in the powers sent to the Governour of St. Augustine, he is directed to settle the boundaryes of his Catholic Majestyes territoryes pursuant to a Treaty between the two Crowns in the yeare 1670, at which time the English were in possession of noe more land, than in and about Charles Towne, soe that with submission I think that the Spaniards may as well claime all the lands within a few miles adjacent, as those lyeing on the Allatamahaw River. *Quotes* Charter of Charles II *etc.* *Signed*, Ar. Middleton. *Endorsed*, Rd. 17th Nov. 1 $\frac{3}{4}$ pp. [C.O. 5, 387. No. 56.]

Sept. 10. **723.** *Same* to Governor Nicholson. On 2nd Sept. instant arrived here thirty Spaniards in two boats from St. Augustine, they brought with them several orders to their Governor, *etc.* *as in preceding.* They had likewise orders from the Governour of St. Augustine to proceed on that affair, supposing we had received the like powers. *Encloses* original despatches received *etc.* By a verball message they desired to have the liberty of buying a sloop, and that leave might be given to have a chyrurgeon with them, both which requests I refused considering they might make an ill use of the same, and by their earnest desire they express to have Fort King George demolished. I was the more induced to act after this manner, when I reflected on that part of the King of Spain's letter to his Governour, wherein he tells him to admitt of noe equivalent, but upon refusal to have the fort demolished, that then he use proper methods to doe his Majestie justice. Your Excellency very well knows of what service that fort is to the safety of this Province and the dangerous consequences that will attend the giving up of the same *etc.* The destroying of the fort at Alatomaha may effect the Lower Creeks, who were settled on the head of that river and are now withdrawn themselves nigher to the Spaniards since their late irruption with this Government, have lately sent us an insulting answer to the several matters proposed to them by Capt. Tobias Fitch sent unto them from this Government, which we may reasonably beleive to be occasioned by the Spaniards being amongst them at the same time, and have much more reason to beleive so since this late demand of theirs to have the fort on Alatomaha demolisht being as they say within the King of Spain's territorys the giving up of which point will be owning that

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all the Creek Indians are depending on the Spaniards you may well remember how necessary 'twas thought for the safety of this Government that another first should be built on the Forks of that river without which 'twould be impossible that we should be able to reduce the Indians, whenever they should think fitting to make warr with us, which by their actions we have great reason to beleive they intend. We therefore hope that H.M. will never consent to the demolishing of that fort it being within his Dominion and there being an absolute necessity for the safety of his subjects that another be settled in the Forks of the said River to maintain that River, for we have reason to beleive that the Spaniards will erect a fort there as soon as we have quitted possession which will lead to the utter ruin of this Collony. The Assembly are prorogued to the 12th of Oct. at which time they are to meet *etc.* P.S. We have had a very fine summer and in all probability are like to have plentiful crops. *Requests him* to deliver enclosed Spanish papers to the Duke of Newcastle *etc.* *Signed*, Ar. Middleton. *Addressed.* 2 pp. [C.O. 5, 387. No. 57.]

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Barbados.

724. Governor Worsley to the Duke of Newcastle. *Acknowledges* letter of 4th May. *Continues*: According to H.M. commands, I shall, as occasion may offer, insist on H.M. undoubted title, to any of the Islands H.M. has honoured me with the Government of, in the most civil and amicable manner. But I must beg leave to inform your Grace, that the French pretend to a right to Dominico as well as Sta. Lucia, St. Vincents and Tobago, and I am well informed there are several French families settled there. In pursuance of H.M. commands to me in relation to the manner of trying the matross who accidentally killed the mate of the *St. Christopher's* galley (v. 24th Jan.), I have directed H.M. Attorney General here to proceed accordingly, and have given him Sir Henry Penrice's opinion. Mr. Carter H.M. Attorney General here having been for some time in a declining state of health, is gone to New York for a few months in order for his recovery, and during his absence (unless H.M. pleasure is signified to me to the contrary) I have appointed Mr. Walker, a very able lawyer, and a gentleman of a good fortune, in his room. *Encloses* Excize Act, and Minutes of Council, 13th April—3rd Aug.; and of Assembly, 11th May—30th July; *and following.* *Signed*, Henry Worsley. *Endorsed*, Rd. Nov. 1st. 3 pp. *Enclosed*,

724. i. List of fines and forfeitures (£15) at the Grand Sessions of Barbados, 8th—10th June, 1725. *Signed*, Cha. Browne, Dep. Cl. Cor. 1 p.

724. ii. List of cases (11) at same. 1 p.

724. iii. Duplicate of No. i.

724. iv. Duplicate of No. ii. [C.O. 28, 44. Nos. 97, 97.i—iv.]

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Sept. 13. **725.** Governor Worsley to the Council of Trade and Barbados. Plantations. Duplicate of concluding portions of preceding covering letter. *Signed*, Henry Worsley. *Endorsed*, Reed. 2nd, Read 17th Nov., 1725. 3 pp. [C.O. 28, 18. ff. 230–231v.]

Sept. 15. **726.** Mr. Popple to Francis Fane. Encloses five Acts of Whitehall. Jamaica, passed in Nov. 1724 and 3 passed in Jan. 1725, for his opinion thereupon in point of law. [C.O. 138, 17. pp. 45–47.]

Sept. 15. **727.** *Same to Same.* Encloses, for his opinion in point Whitehall. of law, 4 Acts of Barbados sent to Mr. West, July 23 and Sept. 1st *q.v.* [C.O. 29, 14. p. 414.]

Sept. 15. **728.** Governor Burnet to the Duke of Newcastle. *Acknow-* New York. *ledges* letter of 30th March with Mr. Rigg's leave of absence. Mr. Ingoldsby having returned to his post, Mr. Riggs can stay longer than 12 months *etc.* Will do him and his family all the service he is capable of, out of a sense of Mr. Delafaye's friendship *etc.* *Signed*, W. Burnet. *Endorsed*, R. Nov. 10. 1 $\frac{3}{4}$ pp. [C.O. 5, 1085. No. 54.]

Sept. 16. **729.** Warrant of the Lords Justices for a bill granting to Whitehall. Alexander Forbes the office of Provost Marshall General of Jamaica *etc.*, and revoking the patent of Richard Rigby. 1 $\frac{1}{2}$ pp. [C.O. 137, 46. No. 48.]

Sept. 20. **730.** Mr. Popple to Francis Fane. Encloses, for his opinion Whitehall. in point of law, Act of Antego, 1725, *for selling certain lands lately belonging to Andrew Murray decd.* [C.O. 153, 14. p. 197.]

Sept. 21. **731.** Address of his Protestant subjects called Quakers from their yearly meeting held at Philadelphia *etc.* to the King. In an humble sense of the many blessings and mercies which flow from the Divine Being to mankind, we cannot but see and acknowledge them to be in a peculiar manner dispensed to the Nations and people over whom he hath been pleased to establish so gracious a Prince. Great in his goodness and love to his people, great in the benignity of his reign which reaches to the most distant of his subjects, and great in the sight of the Nations round about. If any of the present age should yet through wantonness or wickedness shut their eyes and not see or be thankfull for such happiness, ages to come will look back upon it with admiration and Kings may set before them the example, Posterity will mark it in their annals and if ever attempts should again be made upon true liberty and the laws, Princes may find the mistake and dishonour of such endeavours in former times and remark thy reign as the way

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to true grandure. We have great cause among the rest of our fellow subjects to express our affection and duty to our Sovereign and to be as we truly are particularly thankfull for the Royall assent to an Act of this Province *prescribing the forms of declaration, etc.* This benevolence of our King in a matter which so nearly touches the conscience makes deep impression on our hearts beyond words. But to the Almighty who sees them do we earnestly pray for the long continuance of his reign *etc.* *Signed*, in behalf and by appointment of the said meeting, John Estaugh. 2 pp. [C.O. 5, 1234. No. 5.]

Sept. 24. **732.** Mr. Yonge to Mr. Popple. Encloses 12 Acts and one London. Ordinance of S. Carolina, and prays the Board to hasten their report upon them. *Signed*, Fra. Yonge. *Endorsed*, Recd. 24th Sept., 1725, Read 28th Sept., 1727. 1 p. [C.O. 5, 360. ff. 15, 16v.]

Sept. 25. **733.** Mr. Delafaye to the Council of Trade and Plantations. Whitehall. Encloses following for their report thereon to the Lords Justices. *Signed*, Ch. Delafaye. *Endorsed*, Recd. 27th, Read 30th Sept., 1725. 1 p. *Enclosed*,

733. i. Address of the Lt. Governor, Council and Representatives of the Massachusetts Bay to the King. *Copy of 25th June, q.v.* [C.O. 5, 869. ff. 86, 87-90, 91v.]

Sept. 27. **734.** Mr. Popple to Francis Fane. Encloses for his opinion Whitehall. in point of law 22 Acts of S. Carolina (v. 15th April). List annexed. [C.O. 5, 400. pp. 219-221.]

Sept. 27. **735.** *Same to Same.* Encloses 22 Acts of New York Whitehall. (v. April 24) for his opinion in point of law. [C.O. 5, 1124. pp. 379, 380.]

Sept. 27. **736.** Patent appointing Thomas Lowndes Provost Marshal Clerk of the Peace and Clerk of the Crown in S. Carolina, for the several and respective natural lives of said Lowndes and Hugh Watson of the Middle Temple, to execute by himself or deputy. *Signed*, Beaufort, Craven, Ja. Bertie, Hen. Bertie, J. Colleton, Jo. Tyrrell. *Copy*. [C.O. 5, 290. p. 191; and 324, 49. f. 63.]

Sept. 27. **737.** Copy of Patent appointing Edward Bertie Secretary and Register of S. Carolina. *Signed as preceding.* *Copy*. [C.O. 5, 290. pp. 192, 193.]

Sept. 29. **738.** Petty Expenses of the Board of Trade, Midsummer—Michaelmas. £130 8s. 11d. (including, Watching at the Office while the wall was building, £10 11s.). Stationer's Bill, £62 2s. 3d.; Postage, £20 12s. 1d. *Endorsed*, Read Jan. 7. 1725. 4½ pp. [C.O. 388, 78. ff. 129, 130v.-133v.]

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- Sept. 29. **739.** Mr. Attorney and Mr. Solicitor General to the Lords Justices. Report on the Address of the Independent Ministers in New England for holding a Synod, *etc.* *Replies to questions put by Mr. Delafaye etc.* v. Perry, *Papers relating to the Church in Massachusetts.* Signed, P. Yorke, C. Wearg. 9½ pp. *Enclosed,*
739. i. Mr. Myles to the Bishop of London. Encloses following. Signed, Samuel Myles. 1 p.
739. ii. (a) Address of the Independent Ministers of New England to the Lt. Governor, Council and Representatives of the Massachusetts Bay. Application for the calling of a Synod *etc.* Signed, Cotton Mather *etc.* 1 p. *Overleaf,* (b) Minute of Council, 3rd June, 1725. Voted that the proposed Synod will be agreeable to this Board. Sent down for concurrence. ¼ p.
739. iii. Duplicate of No. ii with addition:—In the House of Representatives, 11th June, 1725. Read and referred to the next Session for further consideration. Sent up for concurrence. In Council, June 19. Read and concur'd. Consented to, Wm. Dummer. *Copy.* 3 pp.
739. iv. Memorial of Timothy Cutler and Samuel Myles, Ministers of the Established Church of England in Boston to the Lt. Governor, Council and Representatives of the Massachusetts Bay, 10th June, 1725. For reasons given, it will neither be dutiful to the King nor consistent with the rights of our Right Rev. Diocesan to encourage or call the Synod until the pleasure of H.M. shall be known *etc.* Printed, Perry, *op. cit.*, 170. Minutes of Council upon above, 14th and 22nd June. This Memorial containing an indecent reflection on the proceedings of this Board *etc.* is dismissed. The Representatives concur, 23rd June. *Copy.* 2 pp.
739. v. Duplicate of preceding, with part of Minutes only.
739. vi. Bishop of London to the Duke of Newcastle. Fulham, 17th Aug., 1725. Encloses above Address *etc.* Printed, Perry, *op. cit.*, 179.
739. vii. Duplicate of No. vi.
739. viii. *Same to Same.* Aug. 21st, 1725. Printed, Perry, *op. cit.*, 180.
739. ix. *Same to Same.* Fulham. 31st Aug., 1725. Printed, Perry, *op. cit.*, 184.
739. x. Duplicate of No. ix.
739. xi. The Case of the Bishop of London's Jurisdiction in the Plantations. The present Bishop has refrained from appointing a Commissary in any one of the Governments, till the extent of his jurisdiction is

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ascertained, in order to avoid the confusion that has formerly happened between the Governours and Commissaries *etc.* *No date, signature, or endorsement.* 5 pp. [C.O. 5, 898. Nos. 34, 34.i-xi.]

- [Sept. 30.] **740.** List of following papers, produced by Mr. Dummer in proof of the right of Great Britain to the lands between England and Nova Scotia, and of several depredations committed by the French and Indians between 1720 and 1725.
740. i. Extract from the grant by the French King to Charles de Menou, Sieur d'Aunay Chamisray, Paris, Feb. 1647, appointing him Governor and Lt. General in all the territories of L'Accadie, beginning from the brink of the great River of St. Lawrence both along the sea coast and adjacent islands, and inner part of the main land, extending as far as the Virginias *etc.*, with possession of the same and exclusive privilege of trading in furs with the savages throughout the said country *etc.* *Signed, Lewis; and lower By the King, (the Queen Regent being present) De Loménie.* *Translation.* $\frac{3}{4}$ p.
740. ii. Order of the General Court, Massachusetts Bay, 14th May, 1690. In pursuance of the agreement with New York *etc.*, (v. C.S.P. 1690. No. 865) 160 soldiers are to be detached from the several regiments for service against the common enemy, French and Indians *etc.* *Copy.* $\frac{3}{4}$ p.
740. iii. Conference of the Indian Commissioners with Kenebeck and other Indians at George Town. Nov. 25, 1720. *Copy.* 10 pp.
740. iv. Letter from several tribes of Indians to the Governor of New England, calling upon him to retire from their lands *etc.*, 1721. 17 totem marks. *Copy. French.* 3 pp.
740. v. Translation of preceding.
740. vi. M. Begon, French Intendant, to a Jesuit. (Father Rallé. v. C.S.P. 13 March, 1722). 14th June, 1721. *Translation.* $2\frac{1}{2}$ pp.
740. vii. M. de Vaudreuil to Father Rallé, 25th Sept. 1721 (v. March 13, 1722). *Translation.* $1\frac{1}{2}$ pp.
740. viii. Paper taken from the Church door at Norridgewock, Oct., 1722 (v. C.S.P., Dec. 26, 1723). *Translation.* 1 p.
740. ix. M. de Vaudreuil to the Governor of New England, 28th Oct., 1723 (v. C.S.P., Dec. 26, 1723). *Translation.* $1\frac{3}{4}$ pp.
740. x. Lt. Governor Dummer to M. de Vaudreuil. *Reply to preceding.* Dec. 20, 1723. *Copy.* $1\frac{1}{2}$ pp.

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740. xi. Launerjat (? Father Loverjat. *v. following*) to Father Rallé. Sixteen Englishmen were killed whilst Joseph was gon to you. Two boats were burnt and forty-seven in all were killed and taken prisoners with eleven sloops as we commonly say sword in hand and that after an obstinate fight on each side. All which will contribute to our gallantry and well increase our village if it be well preserved. In spite of all that the invidious can say all the glory is owing to Saggarrab. Negatukehemanganee. 11th July, 1724. *Translation.*
 $\frac{1}{2}$ p.

740. xii. Father Rallé to another Priest. Narridgwalk $\frac{1}{2}$ rd Aug., 1724. My people are returned from their last expedition, wherein one of their bravest champions was killed, believing there were above 200 English divided in three parties to drive them out of their camp, and expecting a farther number to reinforce them in order to destroy all the corn in the fields without doubt. But I said to them, how could that be, seeing we are daily surrounding and making inroads upon them everywhere in the midst of their land, and they not coming out of their fort, which they have upon your own land. Besides, in all the war you have had with them, did you ever see them come to attack you in the spring, summer, or in the fall, when they knew you were in your habitations? You say yourselves that they never did, but when they knew you were in the woods. For if they knew there were but twelve men in your dwellings, they dare not approach you with one hundred. We told you after the fall fight of Kekepenagliesek that the English would come with the Nation of Iroquois to revenge themselves. You opposed it, and said they should not, and yet they did, you see whether you are in the right. I had reason to believe it founded on the King's word: who could ever think that he should forge such a falshood and how should I then answer right? And it was to make good their false designs that they came here to shew themselves as master of your land (contrary to my expectation) where they would not have a Romish priest to dwell. And if they did not burn the Church, it is because I did send them word in your behalf, that if they should burn it, you would burn all their temples *etc.* They hearken to all my reasons foregoing, but follow their own. They design to quit the village for a fortnight, and to go five or six leagues up the river, they proposed it to me, and I have given my consent. When I spoke to them on such

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an occasion, I declared my thought without obliging them to follow the same : but declared to them that I was ready to follow their own. It is but a few days since we came to the village and the last one arrived this morning. The day before yesterday arrived a party of the Becancourians being nine in number, but I have no dependence on them. But my dependence is upon Kgnagons, the former being favourers of the English. Yesterday 12 or 15 Pannaganskeins, four Hurones with one wounded arrived here almost starved. Therefore they must be supplied tho' the corn is not ripe. They must take it as it is, for we are almost reduced to a famine, provisions being so scarce. As for myself thro' the Grace of God I have gathered in the most part of my field, and husked the same, which is now a drying ; for I can expect none or very little from the salvages. Three Hurones are this morning to depart, and go into the war with Becancouriens ; the Pannaganskeians desired the Hurones to carry away their wounded. Say they, you seek nothing but scalps ; there is five which we give you. They have had some likewise in this village, and are to depart to-morrow morning. My own people are also to depart, and are now deliberately consulting whether they shall joyn with the Bicanouriens. Ratio dubitandi est. That the Garinakiens have not acted against the English save one of them, that the English should have no occasion to complain of them ; for Kgnagans who is of this village has all along been with them. The Garinakiens said when my people came to war that they joyn with the Narridgwalks who follow the English very close by frequent discharge of their peices when the others keep at a distance, and when they return they would take all the honour of the war to themselves, which is very displeasing to my people, who are deserving of the true honour. Therefore they conclude to go by themselves in different parties as I had advised them. It is therefore for the same reason that they did let the Hurones go by themselves. At their arrival here, there was a party ready to embark ; and I advised my people that two of them should go as a guard to the Hurones and Gsanmiges and Mathieu are to joyn them. But my people come and tell me that the Hurones being in company with them before used to say in Canada that the Narridgwalks were but women in the war etc. I am sure said I that is a calumny that the Hurones cast upon them, they have no reason to say any such thing. They have

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seen you in the action and you have given them several scalps etc. But they know the way and tell us every spot, however let them go by themselves. I just now received a letter from Father Loverjat with four codd fish out of eight that he sent me. The Bears have eat four by the way, and said it was a case of necessity being for want of provisions. Tho' their village is full of codd fish out of 15 or 16 vessels they have taken: The Father sent me word that by a suitable opportunity he shall send me more, and that they have newly taken three vessels and killed ten men, some on the spot and others by reason they revolted from those who had spared their lives etc. They have attempted to burn the Fort St. George by two fire shippes or vessels, but for want of wind they miscarried. The fire began to take the wood part of the fort, whereupon they heard the English make a great cry and lamentation, some of them coming out of the fort to attempt to extinguish the fire, which the Indians could not kill by reason of their being posted on the contrary side, they not foreseeing that the English could come out of the fort on that side. The fire of one of the vessels went out soon of itself and the English had it. After that nine of the Indians went off in a vessel, where they were attacked by two English vessels they engaged for some time; and the Indians having no more powder attempted to board one of them, but they shunned it. Wherefore the Indians were obliged to retire. Eleven other Indians went in a vessel and espied two English vessels in the road and went to plunder them, but seeing they were full of people and themselves not able to stand them, did save themselves by swimming ashore and leaving their vessel. Says the Father, I attribute their bad success to their ungratefulness to God and their disobedience to me. A vessel said he which comes from Mines for to bring us provision said that an Englishman assured him that they had a very great inclination for peace at Boston; and he doubted not but it would be concluded the next fall, which appears very probable because a vessel which went from hence to Boston to bring a ransom for the prisoners that are here is not returned, notwithstanding the time is a great deal expired, and I have answered them that that did not agree with the Council D'Orange that were resolute to keep their land. I further said that I would never permit my people to receive a ransom for those they take; for there is not one but would ransom himself, and

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if we should hearken to it, the English would never think to return the land for the loss of their people, that they would easily buy etc. The Father Loyard wrote to him that his people with L'Mickemacks have been in two parties to make an attempt upon the English at Port Royal; one of those parties attackt the fort itself, where they did kill six men, and burnt two houses after they had plundered them, the other party is not as yet returned back. My people are absolutely willing to return to those forts where one of our brave champions was killed in the last party. I am very glad that Mr. L'Intendant hath accepted my present. They have brought me my Chocolate. The two bills that James was to have brought with him was cast away by over-setting a canno *etc.* As for the remaining part you keep for me may be it troubles you as much, as it would trouble me if I had it. The Father Dupy had a warehouse where I put all the woolen linnen shot and powder as well as the blanketting and gun you got for me. Since the canno of the Hurones was here I added those things to his merchandise for him to make the best profit. As for me I am contented and I think well paid. The wine shall be put in the cellar to be mixt with that of the House. If the tobacco were here it should be put into the magazine *etc.* *Translation.* 4 pp.

740. xiii. Lt. Governor and Council of Massachusetts Bay to the Governor of Rhode Island, 28th Oct., 1724. Ask for assistance in prosecuting the war. *Copy.* 2½ pp.

740. xiv. M. de Vaudreuil to Lt. Governor Dummer, Quebec, Oct. 29, 1724. I am surprised that you have not seen the safeguard and the Commission I had given to Father Rallé sooner. The Abanekis Indians your neighbours with whom you have always been in war having submitted themselves to France, embrace the Catholic religion and declare war to you every time France and England have had any quarrel together; I say all this ought to have put you in mind or convince you that it was not without orders of the Most Christian King that the Jesuits were among the Indians and preach the Gospel to 'em. If you had forgotten it, the many letters I have written to your Governor about it since the last war between you and the Abenakis Indians ought to have put you in mind of it. No doubt but you are to answer to the King your Master for the murder committed by your order on the French Missionary on whose head I know you set a price,

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and had no other reason to be so animated against, only because he has done his duty in teaching those Indians *etc.* You tell me that you took the opportunity of the safeguard I had given to Father Rallé to let me know for the second time that the Naraudsonac and Panoaramesques Indians were indisputably subjects to Great Britain and on their lands. Give me leave to tell ye Sir, that what you say is not maintainable. Don't you know that St. George's River was in 1700 by order of the two Crowns marked as the bounds of the English and French lands; by which bounds it is plainly seen that all the district of Penamoesque was given to us, and shows the injustice you have committed against the French, to build as you have done, and without leave a fort on the land of one Lefeavre, of which enterprize if you don't desist, you will infallibly repent. Don't you know that sd. Lefeavre had an habitation at Kosanoveskaet, that your sloops and ours did pay a duty to him as to the Proprietor of that land every time they came to anchor there. I believe that Mr. Capon (Envoy of England when King George came upon the Throne, who came here to ask the Panoamesque Indians to submit themselves to England) has not imparted to you the answer those Indians made to him, tho' they did give him two copies of it in writing. Their answer was that they were French from the beginning, and in the interest of France, that they were surprized they made such a proposition to them; that they would never change their religion King nor interest, and were offended they should make such a discourse to them, when they knew very well their union with France, of which they look on themselves as children and subjects. That answer (if Capon does not lie that it was to be sent to the King and Parliament of England) will shew plainly Sir the unreasonableness of your pretension to those Indians. As to those of Naransonac, you flatter yourselves with certain particular deeds by virtue of which you pretend they made over their lands to ye; but how can we believe ye since the whole nation exclaim against those particular Indians (whom they pretend you have suborned) that had no authority to give you that deed, for the first fort, built by your order upon Narancesonac land, you said to the Indians that were against it, or opposed it, that you did not pretend to be master of said forts, that they were built only against the pirates that might otherwise take away the goods you had a

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mind to send that way to trade with them. After you had by unlawful means built those forts, you spoke very imperiously and thought yourselves able to subdue the said Indians. But it is just that which has brought you to the confusion and trouble you lie under, from which you will have much ado to extricate yourself. You have in so doing provoked the Naranesonac Indians against you, seeing you had a mind to use them as your subjects, and even slaves, whilst they would have no other relation with you, but what follows from trade among nations. You may judge of the truth of what I say by the letter you took about three years ago at Father Rallé's house, when you plundered it against the laws of men. You will see in that letter that the Naransonac Indians used to come every year to me to complain of your new attempts, and that you had a mind to make them turn to your side whether they would or no, which they were resolved not to suffer. You had more need to ask my advice before you invaded their lands (which I should never advise) than I to ask you leave to answer the first complaints of the said Indians, that since they would not turn to your side it was their interest to defend their land and drive out those that would invade it. It would have looked very unseemly for me Sir, if for to please you, I had occasioned the said Indians to turn from the French with whom they have and will live lovingly together, and sacrifice them to you. If I had, I should have broken the last Treaty of Peace, which orders us to have a regard for the Indians, either friends or allies to France etc. and to do nothing to molest them. Know therefore Sir, that if I did order Father Rallé to tarry among them, it was to conform myself to the said Treaty. Nothing could afflict the said Indians more than to see their father or priest taken away from them, whilst on the other side you did endeavour to take their lands. You must blame nobody but yourselves for all the violence and hostilities those Indians have committed against your nation, since you are the cause of it in invading their lands, and presume to make your subjects those people that never would consent to be your allies, who being united to France have declared themselves against your nation. I cannot help taking their parts in this, to let you know you are in the wrong to fall out with them as you have done. You have by that means drawn upon yourselves a great number of Indians from every side who to revenge the injustice done to those do fall and will fall upon you hereafter.

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If you had imitated the Governors of Boston your predecessors, contented yourselves with trading with the Abenakis, and had built no forts on their lands, all this Continent would have been at peace. Wherefore I again represent to you that, to procure peace among yourselves and the people you have justly provoked by your unjust attempts, you should pull down all the forts you have built upon their land since the Peace of Utrecht. If so, I promise you afterwards to be your mediator with the Abenakis, and those that help them, and oblige them to lay down the hatchet *etc.* I am not so scared at your threatnings to see nations that are (as you say) ready to fall upon us to revenge your cause, as you ought to be yourselves, for the fault you have committed against France in endeavouring to take their allies from them *etc.* The cruelty committed by your order on the person of Father Rallé I leave to the two Crowns to decide on the justice (or punishment) that is to be made, having been obliged to give an account of it to the King my Master. *Signed, Vaudreuil. Corrected translation. 4½ pp.*

740. xv. Duplicate of preceding.

740. xvi. Resolution of the Council and Assembly of the Massachusetts Bay upon the instructions for the Commissioners to be sent to M. de Vaudreuil, to demand English captives *etc.* 11th Nov.—Dec. 23, 1724 (*v. No. xix*). *Copy. 3½ pp.*

740. xvii. Journal of Commissioners referred to in preceding. 26th May, 1725. 3 *pp.*

740. xviii. Lt. Governor Dummer to Lt. Governor Wentworth, 1st Dec., 1724, enclosing vote of the General Assembly for despatch of Commissioners to M. de Vaudreuil from each of the neighbouring Governments (*v. No. xix*). *Copy. 1¼ pp.*

740. xix. *Same* to Lt. Governor Joseph Talcott, Boston, Dec. 1st, 1724. *Reply* to the General Assembly of Connecticut, who answered the request for assistance to the Massachusetts Bays with enquiries as to the grounds of the war *etc.* Encloses copy of the Proclamation of the War and Memorial to the King on that point. *Communicates* vote of Assembly for despatching Commissioners from the several Governments to Canada to demand delivery of English prisoners brought in by Indians, and the withdrawal of M. de Vaudreuil's countenance and assistance of the Indian enemy in violation of the Treaty of Utrecht *etc.*, acquainting him that otherwise, if our friend Indians who have hitherto been with difficulty

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restrained should in pursuit of the enemy Indians commit like hostilities upon French families as have been committed by French Indians upon the inhabitants of this Province, the blame will be his. The Commissioners likewise to inform him, that if the Indians persist in this war, the several English Governments will with their united force prosecute and pursue them to the uttermost. *Signed*, William Dummer. *Copy*. 3 pp.

740. xx. *Same* to Lt. Governor Cranston. Boston, Dec. 1st, 1724. Similar communication to the Government of Rhode Island. *Copy*. 3½ pp.
740. xxi. *Same* to Governor Burnett. Boston. Dec. 1st, 1724. Similar communication to the Government of New York. *Copy*. 2½ pp.
740. xxii. Resolution of the Council of New York, Dec. 16, 1724. Committing hostilities within the territories of the French King would be in effect commencing war against him, contrary to the Governor's Instructions. War could not be carried out against the Eastern Indians without the Assembly for voting money for that end, and the Assembly have already given their sentiments on that point, 5th Oct. 1722. *Copy*. 4½ pp.
740. xxiii. Lt. Governor Talcott to Lt. Govr. Dummer. Hartford, Dec. 22, 1724. *Reply to No. xix.* Has advised with what Members of Council he could at this season. Proposes that the Governor of Canada be urged to use his influence to quiet the Indians. Cannot comply with the request of the Massachusetts Bay without calling an Assembly. *Continues*: And if I should call our Assembly together (who can only authorise a person to go upon the errand you mention) I fear the same scruples (as when Col. Stoddard was with us) will still be started which were principally two, First that the Indians had been wronged in their lands, Secondly, that the hostages received by your Government of the Indians were only to secure the payment of some beaver which the Indians say they have since paid and therefore the war not just on the English side. These things our people have had confirmed to them by many persons (and some of distinction) of your Governmt. I would charitably hope these reports are wholly groundless *etc.* In order to satisfy our Assembly it may be best to send me the fullest accounts that may be come at *etc.* *Signed*, By order of the Governor, Hez. Wyllys, Secretary. *Copy*. 3 pp.

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740. xxiv. Narrative of the treaties and dealings with the Eastern Indians 1693—1721, showing how they had broken their engagements and killed H.M. subjects before the war was proclaimed *etc.* Passed by the Council and Assembly, Mass. Bay, Dec. 14, 1724, and a copy ordered to be given to the Commissioners from Rhode Island sent to confer upon joining in the said war. *Copy.* 4½ pp.
740. xxv. Lt. Governor Dummer to M. de Vaudreuil. Boston, Jan. 19, 1724 (5). *Reply to* letter of Oct. 29th. *As to his complaint of the death of Father Rallé, describes his activities as March 25 infra. Continues:* None can be blamed but himself *etc.* I think I have much greater cause to complain that Mr. Willard the Minister of Rutland (who never had been guilty of the facts charged upon Mr. Rallé, and applied himself solely to the preaching of the Gospel) was by the Indians you sent to attack that town assaulted, slain and scalpt, and his scalp carried in triumph to Quebec *etc.* *As to the claim of Penobscot,* I have no difficulty to answer to each point *etc.* and as to Mr. Capon, you labour under a very great mistake to mention him as an Envoy of England, he being only an inferiour officer, Commissary or Victualler to the Garrison of Annapolis, and some time after that was yielded up to the English, sent to by the Lt. Govr. of that place to visit the French settlements within that district, and to require an oath of allegiance and fidelity from them to Queen Anne; but he had no occasion to come and entice the Penobscot Indians to submit themselves to England, for they as well as the Norridgewalk Indians and many other tribes had done that long before even in the year 1693 at a Treaty of Sir William Phipps, by which Treaty, I can make it appear, that they not only submitted themselves as subjects to the Crown of England, but also renounced the French interest and quitted claim to the lands bought and possessed by the English; But since King George came to the Throne, Mr. Capon has not been in those parts at all *etc.* As to St. George River being the bounds and La Fevre's pretended right it seems very wonderful you should make any mention of those things or lay any weight upon them at this time when if the case were formerly as you now represent it, which I do not allow, all such claim and pretension is wholly superceeded, and at an end *etc.* *Quotes Treaty of Utrecht XIIth Art. Continues:* Whereby the French King quitted all right not only to the lands, but also the inhabitants of L'Accadie *etc.*

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And we are not ignorant how far the French King understood the countrey of L'Accadie to extend Westward by his patent granted to Monsr. D' Auneys tho' you seem to be a stranger to it. As to the whole Nation of the Indians exclaiming against some of their tribe, as pretending they were suborned to give deeds for their lands, if it be matter of fact, that they do so, which is hard to be conceived, it is a most unjust imputation, and must argue a wonderful deceitfulness and self-contradiction in them, since they have upon all Treatys when the whole Tribes were together constantly acknowledged and submitted to the English titles and possessions, which they had by honest and lawful purchase acquired. As to the building of forts anywhere within the British Dominions I suppose you will not scruple to acknowledge that the King of Great Britain has as good a right to erect fortresses within his Dominions, as the French King has in his. And therefore when you shall please to give me instances of that French King's applying himself to the Indians for leave to build a fort or forts for the defence of his subjects, I shall then give you a further answer *etc.* We have always treated the Indians with sincerity, [*but*] never thought it proper to make apologies for building forts within our own jurisdiction (as you insinuate) but on the contrary in all our Treatys with them have ascertained our undoubted rights so to do. You likewise signify that we must blame nobody but ourselves for the violence and hostilities committed against our Nation by the Indians. But Syr, if the blame must lye where it ought I must impute their outrages, falsness and ill conduct towards us, not so much to their own inclinations, as to the instigations of the Jesuit Rallé and others under your Government, whereof we have had sufficient information from time to time, as also of your own forcing the Indians against their wills upon our frontiers to destroy and cut off our people which cannot be otherwise looked upon than as a direct and notorious violation of the Treaty of Utrecht *etc.* Nevertheless Sir, I have much greater inclination to live in amity and good correspondence with you than otherwise; and therefore I have sent Collo. Samuel Thaxter one of H.M. Council and Collo. William Dudley one of the House of Representatives who are commissioned to confer with you pursuant to such instructions as they have received from me; and I desire that you will give credence to them accordingly. *Signed, Wm. Dummer. Copy. 3 pp.*

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740. xxvi. Accounts of the Treasurer of H.M. Revenue of the Massachusetts Bay, 1723. *Signed*, Jer. Allen. *Endorsed*, Recd. from Col. Shute, 6th Feb., 172 $\frac{3}{4}$. *Copy*. 58 pp.
740. xxvii. Declaration of Samuel Jordan, Indian Interpreter, who went with the Commissioners to Montreal *etc.* in 1725 (*v. No. xxv supra*). *See Minutes of Council*, Mass. Bay, 28th May, 1725. *Copy*. 7 $\frac{1}{4}$ pp.
740. xxviii. Deposition of Daniel Goold, master of the Schooner *Mary* of Marblehead, 26th June, 1725. On 22nd June, 1724, being on a fishing voyage near Fox Islands near Penobscot, a number of Indians with one Frenchman who said his name was Castien came on board the schooner in canoes in an hostile manner and captivated the deponent and all his company and killed one of his men and shot and wounded three more, of which company they carried four into Penobscot, three of them to Quebec, where the French received the Indians with manifestations of great joy, feasting them two days together. Deponent saw said Indians divide a barrel of powder with proportionable ball and flints amongst them, which they said was to furnish them to goe against the English. He was informed by an English prisoner at Canada that the Indians burnt at Penobscot an English captive because he did not doe as they would have him when they went against George's Fort. *Signed*, Daniel Goold. $\frac{3}{4}$ p.
740. xxix. Deposition of Samuel Harris. *Recounts* similar experience to preceding of the schooner *Sea-flower*, Joseph Wallis, master, upon same occasion. The Indians killed on board this vessel and others in company with them 22 men, and captivated 23, of whom 18 were wounded. *Continues*: And so we were all carried to Penobscott, and after eight of us were carried from thence to Quebeck *etc.* Corroborates *preceding*. *Signed*, Samuel Harris, his mark. $\frac{3}{4}$ p.
740. xxx. Commissioners from Massachusetts Bay and New Hampshire to Canada (*v. No. xxv supra*), to the Commissioners of the Indian affairs in Albany, 1725. *Recount*, for the benefit of the New York Government, their reception by M. de Vaudreuil. M. de Vaudreuil said our demand (*v. No. xxxi*) was not like the request he had received from New York, praying him to restrain those Indians from meddling with that Province, which he had done. He was very angry that the Government of New York should pretend to build any fortification on or near the River Onontaga and told us that he should look on such a proceeding

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as a violation of the Peace, and would certainly demolish any such building, and accordingly M. Longuile, who is the second man in the Government of Canada is gone up into the Onontagas and Senecas country with a considerable detachment of French souldiers, which can nowise tend to the continuing the Five Nations in their allegiance to King George *etc.* M. Vaudreuil told us frankly and plainly that he could at any time sett the Five Nations of Iroquois on the English and cause them to kill and captivate the subjects of the King. He has so far instigated the Abenagues to make demands on the Government of the Massachusetts of 30 leagues on the sea coast all within the grant of that Province, and in which has been settled several towns and many hundred inhabitants and forts built by order from home and some of it possessed upwards of fourscore years *etc.* On our asking those Indians how far their demands were eastward, their answer was in the presence of Governour Vaudreuil the whole country of L'Accadie or Nova Scotia, excepting only the fort of Annapolis Royal. These unreasonable Indians were countenanced by the Governour and a numerous company of French. The said Indians told us plainly they would have no peace with the said two Governmts. unless all the said land was delivered up, the fort demolished the church at Narridgewalk rebuilt the plunder there taken returned and their priest restored to them who was killed in that action at the head of our Indian enemy as he had often been before. We demanded an answer to our proposal made to the Governour of Canada in writing to prèvent any mistake he answerd that he would not give any such under his hand tho' at the same time he said he had not encouraged the Indians in the War *etc.* On our demand for the captives he answered as for those in the Indians' hands he would do nothing as for those in the French hands we should have them paying what they cost and we could not have them without purchasing of them at any price their masters were pleased to demand and the purchase consideration in many exceedingly advanced from the first cost, by all which it appears what abuses hardships and intollerable burthens H.M. good subjects lye under being used more like brute creatures than men and Christians, and calls aloud upon all men under the same King to lend a helping hand to get the aforesaid Governments out of this unjust war. *Signed, Saml. Thaxter, Wm. Dudley. Copy. 2½ pp.*

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740. xxxi. Demands delivered by the Commissioners from New England to the Governor of Canada, 1725. Demand, (i) delivery of all British subjects taken by the Indians in the present war, now detained in his Government, also all prisoners taken by Indians under his authority within three years past. (ii) The withdrawal of any countenance or aid to the Indians in the present war. It is an open violation of the Peace of Utrecht for any Governor to instigate any of his Prince's subjects to molest the subjects of the other Prince. That he has thus done, or permitted to be done by the Indians that do actually reside within his Government is notorious, witness the many poor prisoners and scalps of innocent people those Indians now have. *Continue*: The aiding and exciting or suffering any of the French King's subjects to be aiding or abetting the Eastern Indians in their crueltys and barbarities on King George's subjects is an open and manifest breach of the good agreement between the two Nations. That this has been done by your Lordship's directions, we do prove by his letters to our Governor, by the Intendant's letter and by several of the letters of the Priest Rallé and which cannot be denied. Those Eastern Indians certainly dwell either in the King of Great Britain's Dominions or the Territories of the French King. In either case the violation of the Peace is flagrant *etc.* That they are under the Crown of Great Britain is shown by the 12th Article of the Peace of Utrecht, the boundaries of L'Accadie being well known to extend to the English Dominions *etc.* *Conclude*: And altho' the Governments have not as yet exceeded their limits in the pursuit of these Indians, if they don't come to their right mind and submission we cannot be responsible for any mischiefs that may happen even to the French Kings subjects if the(y) reside with, abett or are found stirring the Indians up in their unjust proceedings. And we must remark to his Lordship that some of the French King's subjects have been at the head of the Indians in their acts of hostilitys, witness Monsr. Rallé's letters, and the last clause in Mons. Begon's to Rallé. *Signed*, Saml. Thaxter, Wm. Dudley. *Copy.* 2½ pp.
740. xxxii. French receipts for ransoms of English prisoners for (1) 200 livres for Daniel Goode, of N.E. 29th April, 1725.
(2) 300 livres for another unnamed. 12th June, 1725. *French. Copies.* 2 pp. [C.O. 5, 869. ff. 92-201.]

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Sept. 30.
Whitehall.

741. Duke of Newcastle to Lt. Govr. Dummer. Col. Shute having some time since presented a Memorial to H.M. containing several articles of complaints against the House of the Representatives [*of the Massachusetts Bay*], for having made divers encroachments on H.M. Royal Prerogative, and all parties concerned having been fully heard thereupon, the Lords of the Committee of Council made a report upon the whole matter to H.M. in Council, who was pleased to approve thereof, and to direct an explanatory Charter to be passed, in order to prevent any doubts or mistakes, by which the said House of Representatives might hereafter be misled. The sd. Charter having accordingly passed the Great Seal, I herewith transmitt the same to you, together with a copy of H.M. Order in Council, wherein is contained the said report *etc.*, by which you will see the reasons, which induced H.M. to order the passing the said Charter; and they are so fully explained in these papers, that I need only refer you to them for your information, and that you may make such use of them as you shall judge most proper for obtaining the ends proposed. But I cannot conclude this without observing to you, that as to the several other Articles of complaint, which are contained in the said report, and of which no mention is made in the explanatory Charter, H.M. was very much concerned to find, that the charge against the House of Representatives was so well founded as it appears to be; and therefore I must earnestly recommend it to you to use your endeavours that a due obedience be paid to H.M. Prerogative and authority, in all respects for the future. *Signed, Holles Newcastle. Memorandum of dispatch of above. [C.O. 324, 35. pp. 151-153.]*

Sept. 30.
Bermuda.

742. Lt. Governor Hope to the Duke of Newcastle. *Encloses* list of six persons to supply vacancies in Council *etc.* *Continues:* I beg your Grace will be pleas'd to appoint Capt. John Butterfield to succeed Capt. Samuel Rayner decd. *Encloses* trial of a vessel "seiz'd here by the Collector of Customs for having clandestinely put on shoar tobacco by negro slaves, with which she was navigated." *Continues:* So that tho' the fact was notorious, yet there cou'd be no evidence for the King. The Collector by my advice and direction, libell'd the sloop for being navigated contrary to law, having had but one sailor, and all the rest negro slaves. The Judges of the Admiralty have both acquitted her and condemn'd her, in my opinion as the sentence itself will declare if examin'd. In my letter of 20th Nov. last, I have given your Grace an account of the capacity of our Judges; and I am sorry that I cannot here say something in favour of their integrity which till now I never suspected. By the appendix to the tryal their partiality is but too flagrant, nor do I believe that ever any Judges before these have refus'd to record the

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King's evidence. Were the reason of their acquitting of the vessel true, (as it is not;) yet the Laws of Trade do declare all by-laws, usages and customs in the Plantations, which are anyways contrary or repugnant to the Laws of Great Britain, null and void. It must indeed be own'd, that in one manner of acceptance, it has been the custom of these Islands to navigate their vessels with more negro's than the laws do allow of, but that is only in the same manner as pyracys and illegal trade has been the custom of these Islands: For by the Records now in the Secretary's Office from whence sailors clear'd out, it is manifest that all vessels have been regularly navigated and clear'd out to *appearance*, except such as may have been connived at in the Governors absence, who always leave blank clearances with the Office on such occasions. What is meant by *appearance* is, that all vessels do clear out a number of mariners sufficient to navigate the vessel anywhere; but they generally take three or four slaves besides, and this is a common practice at this day when they go agathering of salt at Turks Islands, etc., where when they arrive the white men (as they call their sailors) are turn'd ashore to rake salt where often they do continue for ten or twelve months on a stretch; and the master with his vessel navigated by negro's during that time goes a marooning; that is to say, fishing for turtle, diving upon wrecks, and sometimes trading with pyrates. If the vessel happens to be lucky upon any of these accounts, Curacao, St. Eustatia, St. Thomas's, or the French Islands, are the ports where they always are well receiv'd without any questions ask'd; and if a good price is offered the vessel generally goes with the cargo; if not they return and take in their white sailors with salt from Turks Islands, and under the covert of their old clearings from hence they proceed to some of the northern Plantations. This is that custom upon which the Judges have acquitted that vessel, but for what reason they qualified their sentence with taking of security before an appeal was craved, is past my comprehension. The Collector of the Customs has appeal'd to the High Court of Admiralty, for the reasons contain'd in his letter here inclos'd *etc.* The value of the seizure is so insignificant, that it is scarce worth the while of prosecuting the repeal of the sentence; But the behaviour of the Judges, and the bad consequence that may attend such illegal practices and navigation, is the reason of my representing of it to your Grace. In my letter of 23rd June last, I gave your Grace an account of the behaviour of the Provost Marshal, whom I had order'd either to officiate himself or to appoint a Deputy, his two sons excepted, the first of which proposals he then accepted of, and did endeavour to officiate which at last he and I agreeing that he was incapable of officiateing, induc'd me to accept of a Deputy not much better qualified than himself, *etc.* *Refers to enclosure.* Much

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about that time I was informed that he (the Provost Marshal) was going thorough the country talking very oddly of my administration, and complaining of severity towards him; and upon further enquiry, I found that there was two papers handed about the country for the inhabitants to set their names to, the one a vindication of his character, whereof I send your Grace a copy inclos'd of the first draught wrote by his son, as likewise his son's confession of what he knew of the other paper, which was a subscription or contribution in order to carry him, or this son of his, home, to defend his character, and to complain against the Governor, for interrupting their trade and navigation. I had pretty good intelligence in whose hands it was, and had laid a design to seize it, when Jonathan Outerbridge Speaker of the Assembly sent me (begging your Grace's pardon for the expression) this impertinent letter, No. iii, which I own startled me a little, and obliged me to call for the Council: I was by them given to understand, that this Jona. Outerbridge was a man of as disappointed head, having once actually been distracted; so that I took no further notice of him, than by sending an answer to his letter (*v. encl.*). But by this accident I was disappointed of making myself master of the original paper, which the fellow in a fright, tore; nor have I as yet got any other light into it, than what Richd. Tucker has confess'd in hopes of being forgiven. (No. i). I shall leave the matters of fact to speak for themselves *etc.* This last attempt of the Provost Marshal's, is but the convulsive pangs of an expiring party which took life here 22 years ago, through the intrigues of Edward Jones *etc.* This is nothing but a concert betwixt Jones and Tucker *etc.* As to what regards myself, it's not in my enemy's power to hurt me: as to what regards the peace and good Government of this little Colony, I have already acquainted your Grace, that I do not think it in my power to punish this man (the Provost Marshall and Secretary) as he deserves. *Signed, John Hope. Endorsed, Rd. Aug., 1726. 4 $\frac{3}{4}$ pp. Enclosed.*

742. i. Deposition of Richard Tucker, 26th Sept., 1725.

In July last, deponent invited Daniel Durham to obtain contributions for the better enabling of his father, George Tucker *etc.* *Signed, Richd. Tucker. 1 p.*

742. ii. (a) Draught of a testimonial that George Tucker has faithfully discharged his duties *etc.* 1 p. *On back,* (b) Deposition of Richard Tucker, 26th Sept., 1725. By the desire of his father, deponent drew the above paper as a rough, and never delivered a copy thereof to any person. $\frac{1}{2}$ p.

742. iii. (a) Jonathan Outerbridge to Lt. Governor Hope. Orgt. 28, 1725. If you wood call the Asemble ye furst tusday in the nex month I belefe yt. they wood set forth ye a grevance of ye cuntre in being debared

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of claring negroes for part salers according to former costum *etc.* This being laid before your Excelense and Consel for your conkurance if you concurd yt wood be stopt and if any man is acus'd of a clandestan trade not to put the master or owner in gale for if thay dont appare before the Cort of Admiralte at ye appinted judgment will sertainly be prononced agin them, and if thare is any quarel betwene a man and his wife lett them go to ye justes for justes. I bege that you will be reconsil'd with Capt. Tucker and lett him maike which of his sons you ples his debete for I persefe the cuntre is inclind to belefe you stricke att the inhabiytance to perfur strangers *etc.* and I cant but ofen say it is better to hafe a good Gufener 20 yares then to hafe 3 or 4 in the same space cud thay be all good, Sr., what is don must be don quickliy *etc.* P.S. and don't debar ye Justeses from puting the laws in exekution for that is an inkuragement to sinn saying dew but petishon and we shall be forgifen. *Signed, Jona. Outerbridge. Copy. 1 p.*

(b) Lt. Governor Hope to Jonathan Outerbridge. St. Georges, 30th Aug., 1725. *Reply to preceding.* I did not think it proper to answer your letter until you had explained some of the particulars before me in Council. As to the first grievance, the law must take its course. As to the second, the two Lushers have been guilty of clandestine trade, and by their own confessions of felony, and must both be tried by a Court of Admiralty and at the great Assizes. They can come out from prison when they please upon giving good security for their appearance *etc.* As to the man and his wife, which you own to be Edwin Stone, I am Ordinary of these Islands. As for my being Governor *etc.* I don't like being threatned nor am I easily frightened. As to the postscript, I have suspended the punishment of that poor wretch, Mr. Burton's daughter, out of compassion to the afflicted parent *etc.* The stile of your letter is very exotick and no ways suitable *etc.* but as I believe you meant it well, I do sincerely forgive you. *Signed, John Hope. Copy. 3½ pp.*

742. iv. Mr. Outerbridge's letter (*No. iii*) explained. Upon complaint of his wife, that he had several times attempted to kill her, Edwin Stone was bound over to keep the peace *etc.* Mrs. Burton, daughter to the Attorney General, gave birth to a black child, the punishment for which is a whipping *etc.* *1½ pp.*

742. v. Appointment of John Champlaine as his deputy, by George Tucker, Secretary and Provost Marshal. 4th Aug., 1725. *Signed, George Tucker. 1½ pp.*

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742. vi. Deputy Collector of Customs (*Robert Dinwiddie*), Bermuda, to H.M. Commissioners of Customs. 26th Sept., 1725. States case of sloop *William*, Solomon Frith master. *v. covering letter. Concludes:—*The judges cleared the sloop, on which I have apealed *etc.* In the body of their sentence they order an appraisement and security for sloop and cargo, long or I apealed *etc.* $2\frac{1}{2}$ pp.
742. vii. List of six persons fit to supply vacancies in the Council. John Butherfield Captn. in the Militia, a man of admirable natural parts, great modestie, and good estate. Francis Jones Esq. Captn. in the Militia, has the best landed estate in these Islands, and very good understanding. Perient Spafforth, a man of a good estate, has hitherto followed the sea, with ane unblamable character. John Darrel Esq., one of the Judges of King's Bench. Moor Darrel, Justice of the Peace, ane honest man. Perient Trott, Justice of the Quorum. Bermuda, Sept. 22, 1725. *Signed*, John Hope. $\frac{1}{2}$ p.
742. viii. Copy of trial of the sloop *William*, for being navigated contrary to law *etc.* (*v. covering letter and encl. vi.*) Bermuda, 10th–20th July, 1725. It was argued, in defence, that negroes were H.M. subjects, and that it had been the usual custom for many years past to clear out negroes as sailors. The sentence of the Court is that the vessel has been duly and lawfully cleared and navigated according to law and the usual customs of these Islands for many years past. The libel is dismissed and an appraisement of the sloop ordered to be made in case this sentence be reversed *etc.* Application for appeal granted. William Outerbridge and Henry Tucker, Judges of H.M. Court of Admiralty, Bermuda. $14\frac{3}{4}$ pp.
742. ix. Deposition of Robert Dinwiddie, Thos. Burton, Edm. Bromwich, and John Carver. The deputy Collector in his arguments and pleadings in above case desired of the Judges that some affidavits (*following*) might be read. The Judges answered that those affidavits were no evidence to them *etc.* One of the Judges ordered Mr. Richard Tucker, Regr. of the Court, not to record anything but what was by their order. *Signed*, Robt. Dinwiddie, Thos. Burton, Edm. Bromwich, John Carter. $\frac{3}{4}$ p.
742. x.–xii. Examination and depositions of Solomon Frith, Henry Johnson, John Joell, Searcher, as to the voyage and cargo of the *William* sloop *etc.* 26th June, 1725. *Signed*, Solomon Frith, Hen. Johnson, John Joell, 3 pp.

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742. xiii. Deposition of John Carter, naval officer, and Samuel Smith, Searcher, as to their seizure of tobacco at Spanish Point. 5th July, 1725. *Signed*, John Carter, Sam. Smith. $\frac{1}{2}$ p.

742. xiv. (a) Deposition of Richard Tucker, Registrar of the Court of Admiralty, Bermuda. The annexed papers were produced at the Court, but deponent never had any orders from the Judges to record them. *Signed*, Richd. Tucker. *Copy*. $\frac{1}{2}$ p.

(b) Deposition of Jehosaphat Welman, master of the sloop *Rose* of Bermuda, bound for Madera. All his nine men are H.M. subjects. *Signed*, Jehost. Welman. 24th Nov., 1724. *Copy*. 1 p.

(c) Deposition of John Carter, Naval Officer. When a Mediterranean pass of Jehosaphat Welman was produced by the defendants at the *above* trial, wherein negroes are mentioned as H.M. subjects, deponent offered to produce the above deposition (xiv b), pursuant whereto said pass was filled up, but his offer was disregarded. *Signed*, John Carter. *Copy*. $\frac{1}{2}$ p.

(d) Order by Lt. Governor Hope to Richard Tucker, to enter *preceding* affidavits amongst the proceedings on the trial of the sloop *William etc.* 24th Sept., 1725. *Signed*, John Hope. *Copy*. $\frac{1}{2}$ p. [C.O. 37, 28. Nos. 34, 34. i-xiv.]

Sept. 30. **743.** Lt. Governor Hope to the Council of Trade and Plan-
Bermuda. tations. Duplicate of preceding letter to Duke of Newcastle. *Signed*, John Hope. *Endorsed*, Recd. 28th, Read 30th June, 1726. 5 pp. *Enclosed*,

743. i. Duplicates of vii-xiv preceding. *Same endorsement.*

743. ii. Minutes of Council of Bermuda relating to the behaviour of George Tucker, Secretary and Provost Marshal *etc.* 4th May-21st June, 1725. 28 $\frac{3}{4}$ pp. [C.O. 37, 26. No. 37 (*enclosure* ii only); and (*without enclosure* ii) 37, 11. ff. 231-234, 235v-246v., 247v., (and *abstract of covering letter*) 37, 24. pp. 27, 28.]

Oct. 1. **744.** Mr. Popple to Governor Hart. My Lords Commis-
Whitehall. sioners taking notice that several of H.M. Governors in America do not punctually comply with H.M. Instructions, which require them to send their Lordships copies of publick papers, accounts of public mony, and all proceedings for their information *etc.*, desire that you would supply what has been deficient in any accounts already transmitted, and for the future be more exact and particular in answering your Instructions, especially under the following heads, vizt.: (i) Journals of the several Councils and Assemblys, fairly abstracted in the margins. (ii) Yearly accounts of christnings, burials *etc.* (iii) Account of ordnance-

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stores, arms, all sorts of stores of war, and a state of the forts. (iv) Naval officer's lists of all exports and imports, especially of negroes. (v) Account of establishments of all Courts, Patent Officers, their Deputies, and tables of all fees. (vi) The wants and defects of any of the Islands. Of all which their Lordships have only had the Minutes of Council in Assembly, and of the Assembly of Antego, to Xmas 1724, of Council in Assembly of Nevis to Michmas 1723, and of Council in Assembly of Montserrat to the 4th of March 172 $\frac{3}{4}$ from you since your arrival in your Government. [C.O. 153, 14. pp. 197-199.]

Oct. 1. **745.** Mr. Popple to Governor the Duke of Portland. *Begins*
Whitehall. as preceding and *requests* returns in particular to enquiries Nos. ii-vi and a map of the Island and an account of the strength of the neighbours. [C.O. 138, 17. pp. 48, 49; and (rough draft) 5, 1079. No. 141.]

Oct. 1. **746.** *Same* to Governor Worsley. *Begins* as above, and
Whitehall. *requests* returns in particular to Nos. ii, iv-vi, and public accounts, especially of escheats, fines and forfeitures and Naval Officer's lists of all exports and imports, especially of negroes. [C.O. 29, 14. p. 415.]

Oct. 1. **747.** *Same* to Governor Phenney. *Begins* as above and
Whitehall. *requests* returns in particular to Nos. ii, iv, v. *Continues* — The copies of Minutes of your transactions in Council seem to be only such as have happen'd on particular heads and not compleat copies of the Journals fairly abstracted in the margins as is directed by the Jamaica Instructions of which you had a copy for your better guidance. Their Lordps observe in the list of Councillors which you have transmitted, that there have been several alterations made therein since your arrival, and that you have not in your letters given an account whether such as are left out are dead or removed, or if removed for what reasons, nor sent over names of persons fit to supply vacancies in Council, so as to keep that list to the number of twelve, and that some have been put in the Council who never were on that list, without giving any reasons for so doing. All which their Lordps. do not think agreeable to the forementd. Instructions *etc.*, and expect you will be more careful for the future. [C.O. 24, 1. pp. 78, 79.]

Oct. 1. **748.** *Same* to Governor Burnet. *Begins* as No. (i) and
Whitehall. *requests* in particular returns to Nos. ii, iii, v, vi, *supra*, and a map of each Province and an account of the strength *etc.* of their neighbours. *Concludes* :—Of all which their Lordps. have had no account from you for either of your Govts. since your arrival at New York, nor have they receiv'd any Minutes

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of Assembly of New York, since those ending 6th July, 1723, nor any Minutes of Council between 6th July, 1723 and 8th Oct., 1724, for that Province. *Set out*, N.Y. Col. Docs. V. pp. 763, 764. [C.O. 5, 1124. pp. 381, 382.]

Oct. 1. **749.** *Same* to Lt. Governor Drysdale. *Begins as* No. 744
Whitehall. *and requests* in particular replies to *Nos. ii-vi supra*, and also a list of persons fit to supply vacancies in the Council; the numbers of the planters, and a map of the Colony and account of the strength *etc.* of their neighbours, be they Indians or others. [C.O. 5, 1365. pp. 282-284.]

Oct. 1. **750.** Governor Worsley to the Council of Trade and Planta-
Barbados. tions. Duplicate of following. *Signed*, Henry Worsley. *Endorsed*, Recd. 15th, Read 17th Nov., 1725. 3 pp. *Enclosed*, 750. i, ii. Duplicates of following enclosures. *Endorsed*, Recd. 15th Nov., 1725. [C.O. 28, 18. ff. 234-237, 239v.]

Oct. 2. **751.** Governor Worsley to the Duke of Newcastle. *Encloses*
Barbados. Act passed by the late President, Mr. Cox, *to prevent the vessells that trade here to and from Martinico, or elsewhere, from carrying off any negro, Indian, or mulatto slaves, persons indebted, or contracted servants.* *Continues* :—An Act to prevent the clandestine carrying off of negroes *etc.* would, without doubt be of very great service to the Island, for as the ground is much worn out, the products of the Plantations depend entirely upon the stock of cattle and negroes, and the poor make a hard shift to support themselves and families by the help of a negro or two. There is at present an instance of two persons who have lately carried off this Island several negroes, *etc.* *Refers to enclosures.* *Continues* :—They are now in prison; the one was brought from Sta. Lucia, the other was taken up in this Island, and they are to be tryed at the next Grand Sessions the beginning of December next. As all Acts passed here are in force as soon as they are passed, yet as this act is of an extraordinary nature and regards the lives of H.M. subjects, and has not a clause in it suspending the execution of it till H.M. pleasure be known concerning the same, I think it will be my duty to supply that defect, by reprieving these persons, if they should be condemned to dye, till I shall have the honour to know H.M. confirmation or disallowance of the abovesaid Act, which I can't find was ever sent home by Mr. Cox, he being now dead, as well as the Deputy Clerk of the Council who then officiated, and as it is generally reported, it was not, I thought it my duty to give your Grace this trouble *etc.* *Signed*, Henry Worsley. *Endorsed*, R. Dec. 7th. 3 pp. *Enclosed*,

751. i. Deposition of Gilbert Alberson and John Reeves, mariners. Barbados, 4th Sept., 1725. Joseph and Stephen Charnock shipped several boatloads of negroes

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clandestinely on board their sloop the *Endeavour*, Capt. Tucker, from Barbados and sold them at Dominico. Some of these negroes belonged to Mr. John Linscom *etc.* *Signed*, Gilbert Alberson, John Reeves. *Copy.* 1 p.

751. ii. Deposition of John Linscom. Barbados, 4th Sept., 1725. Deponent pursued above sloop for his negroes to Sta. Lucia. Joseph Charnock, jr., then in command jumped overboard and fled into the woods *etc.* *Signed*, John Linscom. *Copy.* 1 p. [C.O. 28, 44. Nos. 98, 98. i, ii.]

Oct. 2. **752.** Mr. Attorney General to the Lords Justices. *Report upon* petition of Thomas Rowland (*cf.* 11th March, 1725). No proof besides the grant having been produced by petitioner's Solicitor, I am of opinion petitioner has not made out the material allegations of his petition *etc.* *Proposes* that the Governor of the Leeward Islands may be instructed to examine said allegations in Council, and report the case to H.M. "by which means petitioner (who desires only to be tenant at will to the Crown) will save the expense of sending over his proofs to Great Britain" *etc.* *Signed*, P. Yorke. 4 pp. [C.O. 239, 1. No. 35.]

Oct. 3. **753.** Lt. Governor Gledhill to the Council of Trade and
Placentia. Plantations. *Acknowledges* letter of 24th June, "which is the first I ever receiv'd from your Lordships." *Continues*: Receiving it not till this moment, and that by one of the hands of the complainants, when the last ship is ready to sail for Great Brittain this year, so that I have not many hours, or minutes to answer your Lordships. commands, so submit to your Lordships whether the delivery was by accident or design. I own it the highest indulgence your Lordships could give me in directing my answer to a libell of this nature *etc.* The first step I made since my arrivall was what I conceived my duty *etc.* The first year I found H.M. stores entirely empty of provisions, on which depended the lifes of so many of H.M. subjects, not only of this Garrison, then consisting of some hundred, but many indigent famylies depending thereon, amongst which the petitioner was one of the meanest artificers here, tho' drest in the fals title of head Armourer. The second year H.M. store ship being cast away, made ye case of this harbour more deplorable, insomuch that I was compelled to buy all the fish within my Government and sacrifice my credit in buying up some £1000 in provisions *etc.* many 100ds. of which I am in advance to this day. nay, I am upwards of £400 advance to the family's of the complainant and evidences of this libell *etc.* My obedience to your Lordships shall be strictly observed, relating to the Fishery, as well myself as my officers. No man living is more desirous to acquitt any concern I have in the Fishery then myself, nor can I imagine

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your Lordships commands extends so farr to disbarr me from recovering my right from a fisherman, where I have so many years supported their familys, as by certificate further appears. Your Lordships hinting to me there has been complaints made formerly by the merchants, which is ye first time I have been acquainted with it, I conceive must arise from the vast quantitys of provisions I bought from their Agents, my bills upon the Government for the same being all protested, and for which I am not yet releived, though I have mortgaged my own private fortune in paying of the same. I cannot give a shorter reply to your Lordships' charge of my discouraging the trade of this place, then by referring to the severall convoys appointed to inspect into the Fishery, the vast increase since my arrivall here, being almost incredible. The first year of my Government there not being caught in the whole district 2,000 quintell of fish, and the last upwards of 50,000 ; This vast disparity I must own is in part owing to the very great quantitys of Irish Papists and Non-jurors infesting these parts ; which I have been obliged to remove and make room for H.M. subjects duly qualify'd ; the complainant's family harbouring rebels escaped from Justice in the late Rebellion *etc.* I have often found in summoning H.M. subjects to take the oaths required by law, that not one person in fifteen but what has refused the same, namely this very Salmon the complainant in his family not one person save one out of 27 but what refused *etc.* Their insolence being grown to that height, that a body of them came in the night, and threatned to pull down the garrison, insomuch that I was obliged to point the cannon to repell them ; the said body being proved to come from Salmon's house ; upon which with their refusall of the oaths together with the strongest proofs of his keeping a noted disorderly house, upon the petition of the most renowned dealers here, I in conjunction with Capt. St. Lo (appointed Convoy to the Fishery) order'd him in open Court, his family being Popish, recusant, convict to remove to some other harbour of this land, yet so farr from injuring him in his plantation I averr to your Lordships he never had any here save what he wrongfully occupyed, wch. he has destroy'd without paying one farthing rent for the same to the owner. The evidences upon which he builds his charge principally being two notorious harlots, under fictitious names, which I likewise bannished from their keeping bawdy houses within my Government, being now well assured they keep up the same practice in the hundreds of Drury *etc.* *Encloses* the very, very few numbers amongst so many hundred inhabitants that could be prevailed upon to take the oaths to his present Majesty ; This Garrison being now reduced to 40 odd, though the most important place of the land, I think I may say of all America, so far have I encourag'd and improved it. The whole of this charge stands upon four rotten evidences, all which putt together would not

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find credit for four pence in this harbour; I must own the certificate signed to Capt. Lo is very artfully intermixed to carry a thread of truth thro' the whole libell *etc.* Your Lordships will find what it amounts to, that he was an encouradger of trade, and wo'd more if not hindred, but what trade it was I submitt to your Lordships. The two signers of the certificate being both accused of conversing with his wife, the latter taken concealed in her bed *etc.* *Signed*, S. Gledhill. P.S. *Refers to* eminent traders in England, Thomas Missing, M.P., Arthur Holdsworth, of Dartmouth, and John Benson of Biddyford, to endorse above statements *etc.* *Endorsed*, Recd. 25th Nov., Read 8th June, 1727. 6 pp. *Enclosed*,

- 753. i. Conveyance by Thomas Salmon of all his effects to his wife's sister, Katherine Cole. 5th June, 1718. *Signed and sealed by* Tho. Salmon. *Subscribed*, This instrument I find a fraudulent conveyance, with intent to defraud his creditors, which he did not that year pay 5s. in the pound *etc.* *Signed*, S. Gledhill. *Endorsed*, Recd. 25th Nov., 1725. 1 p.
- 753. ii. Lt. Governor Gledhill's reply to Thomas Salmon's petition. *In detail, as above.* *Endorsed as preceding.* 18 pp.
- 753. iii. Certificate by inhabitants and planters of Placentia, 4th Oct., 1725. For many years there has not been two planters in this harbour that hath been able to support themselves with bread, much less to equip out their boats for the Fishery, but by the sole help and assistance of the Honble. Govr. Gledhill. *Signed*, Richard Coxe, Peter Steward (*his mark*), and 8 others. 1 p.
- 753. iv. Deposition of Thomas Proctor, keeper of the books of the Garrison at Placentia, that Thos. Salmon, Henry Bishop, Ensign Baker and Dr. John Elliot had been subsisted from the Garrison of some years *etc.* Oct. 4th, 1725.
- 753. v. Proclamation by Lt. Governor Gledhill. Fort Frederick, 30th June, 1724. Summoning all heads of families inhabiting Placentia to appear on July 1st and to take the oaths if required to King George. Forasmuch as several recusants (not mentioned in the Treaty of Peace) pretend to settle here in defiance of the laws, they are hereby strictly required to depart from this harbour within two months, and in the interim to give security for their good behaviour, *etc.* *Signed*, S. Gledhill.
- 753. vi. Extract from the Records of Placentia. July 1st, 1724. This day the persons undersigned (27) took the oaths of allegiance, supremacy and abjuration. Mary, the reputed wife of Thomas Salmon, appeared

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but refused the oaths, alledging that she had a conscience, her husband saying she was a Roman Catholic and could not take them. 1 p. Nos. iii-vi *endorsed*, Recd. 25th Nov., 1725. [C.O. 194, 8. ff. 52, 53, 54, 55, 56-57v., 59, 59v., 60v., 61, 62v., 63, 64v., 65, 66v., 67, 68, 70v., 71, 72v., 73, 74v., 75, 76v., 77, 78v., 79v., 80, 82v., 83, 84v.-85v.]

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754. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, petition of Presbyterian congregation at New York with Council's proceedings thereon. [C.O. 5, 1124. pp. 382, 383.]

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755. Council of Trade and Plantations to the Lords Justices. *Representation upon* the Memorial from the Massachusetts Bay, 25th Sept. (q.v.), for assistance in the Indian war *etc.* We have upon this occasion discoursed with Col. Shute and with the Agents of that Province; as well as with those of New York, Connecticut and Rhode Island *etc.* The Eastern Indians now at war with the Massachusetts Bay do generally dwell on or near the Banks of the Rivers Kennebeck and Penobscot, to the eastward of the Province of Main, which tract of land was included in the Charter granted by their late Majesties King William and Queen Mary to the Massachusetts Bay, and as disputes have heretofore arisen between the people of the Massachusetts Bay and these Indians, concerning lands purchased from them or their ancestors, so treaties have been made with them at different times in order to settle these disputes. One of these treaties bears date the 13th day of July in the year 1713, and was made by Colo. Dudley, then Governor of New England, with the Chiefs of the Indian Nations; And upon fresh disputes arising, Colo. Shute did on the 22nd of August, 1717, make another solemn treaty with them, whereby it was agreed, that H.M. subjects of New England should settle as far as they had ever done; And by this treaty the said Indian Nations did acknowledge H.M. sovereignty over them and their lands, stiling the Province His Majesty's, and themselves His Majesty's subjects, as they had already done upon former occasions, during the Government of Sr. William Phipps, in 1693, and that of my Lord Bellomont in 1699. Upon the faith of these treaties, the people of New England attempted to settle near Kennebeck River, but were interrupted, insulted, plunder'd and murder'd by the Eastern Indians; And after many injuries and great losses sustain'd, the Government of the Massachusetts Bay were in their own defence oblig'd to enter into this war with the Indians, which has now continu'd for the space of three years. That the Indians have been encouraged and supported in the carrying on of this war by the French of Canada, appears to us from

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many proofs, more particularly by an intercepted letter of the Marquiss of Vaudreuil to Sebastian Rallé, a French Missionary settled amongst the Indians, wherein Monsr. Vaudreuil declares, that the said Indians need not apprehend the want of supplies; that he would continue to send them such succours as they had occasion for, having orders not to let them want, and even to sustain them, if the English attack'd them wrongfully (*v.* 13th March, 1722). The countenance and assistance given by the French Governor of Canada, to the Indians, in the prosecution of this war, is not only repugnant to publick faith and the general tenor of all treaties of Peace and Commerce, but likewise expressly contrary to the 11th Article of the Treaty of Neutrality between the French and English in 1686; whereby it is covenanted and agreed, that the Governors, Officers, and subjects, of either King shall not in any wise molest or disturb the subjects of the other, in settling their respective Colonies, or in their Commerce or Navigation. Wherefore we wou'd humbly propose to your Excellencies, that H.M. Ambassador, residing at Paris, may be directed to make proper instances upon this occasion to the Court of France, to prevent the further progress of so unjust a proceeding, that the Governor of Canada may be directed for the future to pay a stricter regard to the treaties subsisting between the two Crowns, and that an order may be obtained for recalling all French Missionaries from amongst the Indians depending upon H.M., or inhabiting any part of H.M. Dominions in America. And considering that the expence of this war lies very heavy upon the Massachusetts Bay, we beg leave to propose to your Excellencies, that recommendatory letters may be sent to the Governors of New York, Connecticut and Rhode Island, to engage the several Assemblies of those respective Provinces to contribute to the assistance of the people of New England, in proportion to the regulation formerly made for the mutual defence and support of the Northern Colonies, by his late Majesty King William, which regulation is still continued in H.M. Instructions to the Governor of New York. And as we conceive, no method can be so effectual for putting an end to this war; as that propos'd by the Petrs., of engaging the Six Indian Nations bordering upon the Province of New York to take arms in defence of the Massachusetts Bay, we are humbly of opinion, it wou'd be very much for H.M. service that the Governors of New York shou'd be directed to ingage the said Indian Nations to enter heartily into this war, in defence of H.M. subjects. We think it our duty however upon this occasion to observe to your Excellys. that some doubts have formerly arisen whether the lands that have given occasion to this war do lye within the district of the Massachusetts Government, notwithstanding they are contain'd in their Charter, because these lands since the granting of that Charter,

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as well as the Province of Nova Scotia, were conquered by the French, remain'd several years in their possession, and were afterwards reconquered by General Nicholson at the expense of the Crown, and it would seem to us by a report of a Committee of the Lords of the Council, 17th Dec. 1720, that their Lordships were of opinion that all the lands to the eastward of Kennebeck and Penobscot Rivers, were absolutely in H.M. disposition; And that if the people of the Massachusetts Bay were permitted to continue their possessions between the said two rivers, a quitt rent ought to be paid to H.M. for the same, and that the Colony of the Massachusetts Bay shou'd renounce all right to any lands to the northward of Penobscot, and all claim of Government in any of the said lands to the Eastward of Kennebeck. This we mention only by way of caution to preserve H.M. claim, and not to prevent the proper measures for putting an end to this unhappy war; being convinc'd that it would be of very dangerous consequence if the savages in America shou'd once imagine that they might attack any Colony whatsoever of H.M. subjects with impunity; or that the British inhabitants of any one Province in America shou'd believe themselves wholly unconcern'd, whilst their neighbours and fellow-subjects are so vigorously attack'd. *Autograph signatures.* 8 pp. [C.O. 5, 752. No. 30; and 5, 915. pp. 438-445.]

Oct. 8. **756.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. There was at Michaelmas three months salary due to our Secretary and other Officers *etc.* [C.O. 389, 37. p. 254.]

Oct. 10. **757.** (a) Commodore Bouler's Answers to Heads of Enquiry relating to Trade and Fishery of Newfoundland. Nos. i-xiii. H.M.S. *Argyle*, in St. John's Harbour. Complied with *etc.*, or no complaints to contrary. (xiv) Accounts are kept in each harbour; but the Admiralls do not make any return of 'em to Great Britain as the Act directs. (xv, xvi) complied with (xvii) No (aliens resort to Nfdld. or adjacent islands to take bait, trade or fish). (xix) The country produces nothing for the subsistence of the people except fish, so that they are chiefly supply'd from England, Ireland, and the plantations. (xx) They are for the most part supply'd (with manufactured articles) from Great Britain. (xxi) Servants are paid in bills or fish from £20 to £6 sterl. for the season. (xxii) Cost of fitting out and maintaining a fishing boat, £110 first cost. (xxiii) The inhabitants during the fishing season employ their servants altogether in curing fish, and have about four or five men to a boat, but their fish is generally dearer, then the bank fish, by a ryall a quintall, and last year and this year in most places 'twas three ryalls a quintall dearer then the bank fish. (xxiv) They employ themselves and servants providing things necessary for the next fishing season,

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but there are no persons now to administer justice durement the winter in any of the places of N.fland. (xxvi) Yes. (xxvii) Do the inhabitants claim a right to stages, cook-rooms and flakes they have built in those fishing places, which have not been possessed by the fishing ships since 1685 *etc.*? *Answer.* Nothing demanded. (xxix) The flakes are all extended from the shore up into the land and have no more front to the water side then was formerly allow'd. (xxix) The shipp rooms are known by the inhabitants, and the masters of fishing shipp, but no account of them kept nor any complaints made thereon. (xxx) The greatest part of the provisions brought to Newfoundland for the fishermen, is from Great Britain and Ireland, but they generally victuall themselves home with provisions from New England. (xxxi) No masters of any shipp, but such as are cleared from England are admitted Admirals. (xxxii), (xxxiii) No. (xxxiv) One or two shipp only continue to allow their Company's shares of what they make in a voyage, and the charge of fitting and maintaining of a shipp of 100 tuns in that case may amount to about £1300. (xxxv) None that can be discover'd. (xxxvi) If any are brought into Newfoundland they are vended amongst the seamen and inhabitants. (xxxvii) All the plantation goods are sold to the inhabitants. (xxxviii) By accounts from the traders, the quantities of rum, molosses, wine *etc.*, sold this year amount in value to £11,200, which has been all paid for in fish or bills of exchange, rum at 1/10 pr. gall., molosses 1/3, sugar 40s. per cwt., flour 116s. per cwt., bread 18s. per cwt., beef £1 8s. 0d. per barrel, pork £1 8s. 0d. pork £2 5s. 0d. a barrel, tobacco 8d. per lb. (xxxix) There are about 70 taverns or publick houses in Nfland., 50 of which are at St. John's, Quidi Vidi and Tolbay, and kept only by the inhabitants, the masters of shipp, and other traders supply 'em with liquors and necessarys for their houses, and the fishermen are trusted by the inhabitants, but its not to be discovered whether upon their own credit or the credit of their masters, however they are often trusted so much that at the end of the season they have nothing left to carry them home, and so they are obleidg'd to go away to New England in some of the vessells of that country which are generally in some of the harbours for this purpose about the time the convoy is sailed for Europe. (xl) Not to be discovered. (xli) They pay the masters of fishing ships either in fish or oyle for the passage of their servants, after the rate of 40s. out and 30s. home. (xlii) The credit the fishermen meet with occasions many disorders frequent debaucherys, and thereby the well curing of the fish is sometimes neglected. (xliii) The masters say they do not connive at nor encourage their men to remain in the land, except such as come to carry on the seal and furr trade to the no'ward. (xliv) 'Tis believed (the New Englanders still carry away numbers of handycraftsmen and fishermen *etc.*), but no prooffe to be had

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of it. (xliv) Comply'd with. (xlvi) There is no abuse in the ordering of their fish, nor is there any method to be taken to make 'em better. (xlvii) There is no account of the French Fishery to be had at Newfoundland. (xlix) No account to the contrary. (li) Upon the complaint of Geo. Skeffington, Isaac Bonoviren and Samuel Shamblear of Bonavista, that they had been molested in their salmon fishery by one Joseph Randall of Pool, Richard Clarke and Benjamin Watts were brought to me at St. Johns, "where I tooke to my assistance Capt. Peter Solguard of H.M.S. *Greyhound*, and because the Admirals of the harbour were at sea, Mr. Jno. Masters, master of a fishing ship who arrived next to the Rear Admiral." Clarke and Watts confessed to distributing said salmon fishery by order of said Randall. They were given 10 and five lashes respectively with a catt of nine tails on the bare back at each of the Admiralls rooms in the harbour *etc.* *Signed*, E. Boulter.

(b) Scheme of the Newfoundland Fishery for 1725. *Totals* :— Number of fishing ships, 158; burthen, 13,118; passengers, 1442; men belonging to fishing ships, 2569; number of boats kept, 637; by-boatmen, 1013; quintals of fish made, 120,998; carried to foreign markets, 108,220; tierces of salmon, 600; train oil, 698 tuns; prices of fish, 28 & 30 ryals; £2 3s. pr. tierce of salmon; value of furs taken, £4592; number of stages, 267; trainfats, 134; number of families who keep taverns, 346; estimate of land improved, 26 boats rooms; inhabitants, 2930; of which remained in the country last winter, 2349; births (since departure of last convoy) 51; burials, 36; names of persons who administered justice during the winter this year, None.

(c) Account of proceedings of the persons that administered justice at St. John's in 1724. (i) Wm. McLaughlin and Thos. Lee having enclosed a public path leading from St. John's into the woods and manured it into garden grounds, it was ordered that the fence be taken down and the ancient path laid open. Feb. 3, 1724. (ii) Tho. Slaughter, servant of Thos. Bulley, was punished for violent and mutinous behaviour. Feb. 16, 1724. *Signed*, Jno. Jago, A Southmaide, Saml. Rook. *The whole endorsed*, Recd. 9th, Read 10th Feb., 1725. 29½ pp. [C.O. 194, 8. ff. 1v-16v.]

Oct. 10.
Placentia.

758. Lt. Governor Gledhill to Mr. Popple. A ship drove in here by stress of weather gives me the opportunity of sending you this supplement to my answer of 3rd instant *etc.* *Asks for* duplicate of order of 4th July, 1723 which he never received and cannot therefore answer. *Concludes* : I flatter myself that my personal knowledge to some of their Lordships *etc.*, will not admit of any evill impression from so groundless a libell from a person disaffected to H.M. *Signed*, S. Gledhill. *Endorsed*, Recd. Read 17th Nov., 1725. 1 p. *Enclosed*,

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758. i. T. Salmon to Lt. Governor Gledhill. *Apologises* for "his ill manners the other morning" and *asks* for leave to keep a public house, or should he apply to the Commodore? *Signed*, Tho. Salmon. *Subscribed*, The Governor refusing, Salmon bo't some quantitys of liquor from each Captain that signed that certificate to Capt. St. Lo, which was the motive of their signing the same, yet five of the very men came in a body and affirmed that if I did not suppress that publick house, they co'd not carry on their fishery. *Addressed*. $1\frac{1}{4}$ pp.
758. ii. Declaration of Rev. Richd. Cox. Fort Frederick, 3rd Oct., 1725. The only Minister to the town and Garrison of Placentia for nigh seven years, I never knew any person of Salmon's family (being generally reputed Papists) at the Communion of the Church of England, and only one, compelled by the Governor, ever took the oaths to H.M. *etc.* *Signed*, Richd. Cox.
758. iii. Ann Owen to [?Lt. Governor Gledhill] Westminster, April 12th, 1725. The rent being now duly paid, makes no objection to his having put Salmon out of her house and taken it into his own possession *etc.* *Signed*, Ann Owen. *Endorsed*, Recd., Read 17th Nov., 1725. $\frac{3}{4}$ p.
758. iv. Supplemen to Lt. Governor Gledhill's reply to Salmon's complaint of his plantation being arbitrarily taken from him. The Engineer employed to perfect the works of this Garrison complaining to the Board of Ordnance that the houses of Thos. Salmon and John Barns, sutlers, were destructive to the carrying on the works, *quotes* letter of Board of Ordnance to the Duke of Marlborough:—It is to be wished that the sutlers at Placentia may be kept in better order, for want of of which our artificers are spoiled with drink *etc.*, and this small work will be endless *etc.*—, with Lord Carteret's order to the Governor to comply with it. *Continues*:—In obedience to these orders I suppressed the two houses *etc.* Salmon in defiance said he would keep a house to entertain what persons he thought fitt, (most of which under colour of servants were Papists, non-jurors and rebels escaped from Justice) *etc.* He has been the greatest disturber of fishing in this harbour, as appears by his own letter and the certificates of three fishing Admirals which I have desired them to send to your Lordships *etc.* *Signed*, S. Gledhill. *Endorsed as preceding*. $2\frac{1}{2}$ pp. [C.O. 194, 7. ff. 271, 272v.—273v., 275, 276-278v.]

Oct. 24.
Canso.

759. Lt. Governor Armstrong to the Duke of Newcastle. *Refers to* letter by Lt. Daniell. *Continues*:—I must now inform you of the misfortune that happened to Capt. John St. Lo in

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the *Ludlow Castle* the third inst. as he was going to sail out of the harbour for Lisbon the ship not wearing run aground in a narrow passage on a ledge of rocks where she continued untill the fifth, and if it were not for the assistance I and the whole garrison gave him, with what vessells there was in the harbour that I emediately ordered to take in her guns and stores he must ineventably have lost the King's ship ; he and all his people never rested one moment during the whole time *etc.* He is obliged to go to refitt at Boston this winter in order to return early in the Spring for the protection of the fishery, which is very considerable and worthy the Governmts care ; and I hope the Lords of the Admeralty will order Capt. St. Lo here early in the spring which will be the establishing of this place the greatest fishery in the world *etc.* I have wrote to the Governmt. of New England to send me sixty Indians of that country with twelve whale boats, which joyned with so-many of our troops and forty men from Comadore St. Lo I entend to take a tour through the Province to humble the vilanous french inhabitants as well as Indians. I shall land at Checanecto in the Bay of Vert from thence to Minos in the Bay of Fundy, and so to Annapolis and Canso *etc.* I am sure this will put it out of the power of the French and Indians to insult us any more, which they have constantly don this four years past. I have now inteligence of about 800 Indians that designs to attack me this winter by the underhand orders of the French Governors of Quebec, Troy River, Mount Royall, and Cape Briton. I hope we shall do our dutty and give a good acct. of them, with the hopes to have full directions from your Grace on this head next spring ; I shall transmit all my proceedings to your Grace *etc.* *Signed, L. Armstrong. 2 pp. [C.O. 217, 38. No. 8.]*

Oct. 24.
Canso.

760. *Same* to Mr. Popple. Since my last the provission ship arrived upon which I ordered a survey the butter was all condemned as not fitt for men to eate. The master demanded three receipts, which I could not give him for the reasons herewith inclosed, which I desire may be laid before their Lordships for my justification against any unjust or underhand misrepresentations, for Mr. Missing will owe me about £400 sterl. for provissions supplyd and engaged for, the accounts of which I shall transmit *etc.* *Repeats parts of preceding. Concludes :—*I can't help informing you that an angel from heaven can't please nor govern these fishermen, as you will see in perusing some papers herewith sent you relating to one Capt. John Elliot *etc.* *Asks* for the opinion of the Board thereupon to be sent by the first opportunity *etc.* There are several others as bad *etc.* I hope by this you have received my letters for the Board by Ens. Bradstreet and Lt. Daniell with the fish and some few furs I sent your spouse, my service to Mr. Sanderson *etc.* *Signed, L. Armstrong. Endorsed, Reed. Nov. 25, 1725, Read May 31st, 1728. 2¾ pp. Enclosed,*

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760. i. (a) Petition of Thomas Cox and others to Lt. Governor Armstrong. Canso. Oct. 1st, 1725. Pray that John Elliot may be compelled to pay the wages due to them, as previously ordered by the Lt. Governor. *Signed*, Thomas Cox and 4 others.
- (b) Report of a Committee, to enquire into the case.
- (c) Order that Capt. Elliot pay or hand over his schooner to Cox as security. 10th Oct. 1725. *Signed*, Law. Armstrong.
- (d) (e) Depositions by George Grinter and Robert Ashton, 18th Oct., 1725, that on 17th inst, he was ordered by Capt. Elliot to take the sheep of a small island belonging to Capt. St. Lo. (f) *Note by* Lt. Governor Armstrong. The within mentioned Elliot proves himselfe a cheat, theif and lyar, by all his transactions in this harbour and I could justly joyn with him severall others that I have proved so, who are the only people that complain against Govermt. etc. *Signed*, L. Armstrong. *Endorsed*, Recd. Nov. 25, 1725. 5½ pp.
- 760 ii. (a) Order for survey of provisions received from Thomas Missing. 14th Oct., 1725. *Signed*, L. Armstrong. (b) Report on same. The beef and pork are good, but the beef near an eight short in weight and the butter old and rank and not fit for men to eat. *Signed*, John Calley and three others. *Endorsed as preceding*. 2 pp.
760. iii. Receipt for above provisions in good condition, with note by Lt. Gov. Armstrong that he cannot sign it, because he has supplied the garrison himself since 1st June and engaged for further supplies and must be secured of repayment by Mr. Missing etc. *Signed*, L. Armstrong. Oct. 13th, 1725. 1½ pp. [C.O. 217, 5. ff. 19—25v.]

Oct. 25. **761.** Mr. Fane to the Council of Trade and Plantations. *Reply to* 20th Sept. Has no objection to Acts of Barbados (i) 1715, *for the better settling intestates' estates etc.*, and (ii) 1724, *Additional Act to the Act establishing Courts of Common pleas*. But [*Continues* :] the Act *to keep inviolate and preserve the freedom of elections etc.* (1721), seems rather calculated to create an independance in this island than to preserve and keep inviolate the freedom of elections ; there being scarcely a clause but what is liable to some objection ; and wt. is contrary to the laws of elections in England ; I must beg leave to lay before your Lordshipps some few matters (amongst many others) which I apprehend are very extraordinary and unprecedented. There is a clause that no person shall be capable of electing or being elected an Assembly man or Vestry man, or to serve as juror who has not 10 acres of lands of £10 pr. ann. value exclus-

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ive of a house and hath not been in possession of such lands for which he votes for a year before the election and hath not resided or some of his family constantly during that term upon five acres of such land or else is possessed of a dwelling house of £50 pr. ann. value. This is such a restrictive power that it puts the elections into the hands of the freeholders inhabitants and entirely excludes the other freeholders, who surely ought to have the same right *etc.* This and the exclusion of the house in part of the value of the freehold, are quite contrary to our law *etc.* and highly unreasonable. Another clause gives the Sheriffe and candidates of one parish, who have a right to vote in another parish but being unable to attend both elections a power to signify by letter to the Sheriffe of the parish where they cant be present their inclination to vote for such candidates, which signification is deemed good and valid *etc.* This is a most extraordinary power given to these persons, who are no more entitled to it than any other absent freeholder employed in the service of the publick *etc.* There is nothing like it in this country except the voting by proxy in the House of Lords *etc.* There are very many great penalties imposed upon persons offending against this Act which are in themselves greivous and burthensome to the subject and very improper to be imposed; as for instance if a Sherife refuses a person to vote who is duely qualified by this Act, he shall forfeit £50 to the person refused to be recovered before the next Justice of Peace. This penalty might very well be spared considering the remedy the person hath at the Common Law *etc.* But what is most to be dreaded is the summary way of proceeding *etc.*, a method never prescribed here but in cases of the Revenue and too often liable to be attended with oppressions *etc.* The penalties are not applied in the usual method they ought to be, for no part of it is given to H.M., which I apprehend is restraining the prerogative of the Crown *etc.*, and not only tends to lessen H.M. Revenues, but also deprives H.M. of an opportunity of exercising his mercy and clemency *etc.* There are many sorts of oaths imposed by this Act, which are extraordinary and unprecedented, particularly an oath which is administered to the Speaker and Assembly upon determining controverted elections, *etc.* The policy of the Law of England hath been always unwilling to fetter and embarass a person with oaths, because it hath been too frequently found to introduce perjury, and in this particular instance it might very well be spared *etc.* (iv) The Act *for enlarging the time appointed for the election of Vestrymen* is only an amendment to the preceding Act *etc.* Signed, Fran. Fane. Endorsed, Recd. 25th Oct., 1725. Read 7th Dec., 1727. 3½ pp. [C.O. 28, 19. ff. 43-45v., 46v.]

Oct. 27. **762.** Mr. Hammerton to Charles Delafaye. Sir Robert Walpole told my brother Long a warrant was ordered for me.

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(for the Secretaryship of S. Carolina). Begs him to speak to the Duke of Newcastle, that it may be signed to-morrow *etc.* *Signed*, John Hammerton. *Addressed*. 1 p. [C.O. 5, 383. No. 14.]

Oct. 28. **763.** Mr. Popple to Mr. Fane. Encloses, for his opinion
Whitehall. in point of law, a power of attorney, will *etc.* in relation to a debenture claimed by Thos. Chezus, as administrator of Richd. Weldon, of Nevis, decd., by his inter-marriage with Ann, widow of John Basnet, their Lordships having some doubt as to that claim *etc.* [C.O. 153, 14. p. 199.]

Oct. 29. **764.** Duke of Newcastle to Governor the Duke of Portland.
Whitehall. H.M. having been pleased to grant to Mr. William Wood his letters patents for the coyning of half pence, pence and two pences of the value of money of Great Britain for the use of H.M. Dominions in America, which said coyn is to receive such additional value as shall be reasonable and agreeable to the customary allowance of exchange in the several parts of those H.M. Dominions, as your Grace will see more at large by a copy of the patent which will be laid before you by the person that delivers this letter to your Grace, I am to signify to your Grace, H.M. pleasure, that in pursuance of a clause in the sd. patent by which all H.M. Officers are to be aiding and assisting to Mr. Wood in the due execution of what is therein directed and in the legal exercise of the several powers and enjoyment of the privileges and advantages thereby granted to him, you give him all due encouragement and assistance *etc.* *Signed*, Holles Newcastle. Similar letter sent to Governors Worsley and Hart, Phenney, Burnet, Shute, Nicholson, Philips, Lt. Governors Hope, Drysdale, Keith ; Lord Baltimore, Proprietor of Maryland, Lords Proprietors of N. Carolina ; Governor and Company of Rhode Island, and of Connecticut. [C.O. 324, 35. pp. 153-158.]

Oct. 29. **765.** Sir Robert Sutton to the Council of Trade and Plantations. Recommends Francis Bond (*v.* 20th July) for the Council of Barbados in the room of John Lucie Blackman, who died recently in London *etc.* *Endorsed*, Reed. Read 4th Nov., 1725. 1 p. [C.O. 28, 18. ff. 223, 223a.v.]

[Oct. 31.] **766.** Journal of the Commissioner for Indian Affairs on his Journey to the Cherokees and his proceedings there. 7th June-31st Oct., 1725. *Signed*, Geo. Chicken. 42½ pp. [C.O. 5, 12. ff. 16-37.]

Nov. 4. **767.** Mr. Popple to Mr. Fane. Encloses, for his opinion
Whitehall. in point of law, queries relating to the trial of White in St. Christophers. (*v.* 26 July.) [C.O. 153, 14. p. 200.]

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[Nov. 4.] **768.** Daniel Moore to the Council of Trade and Plantations. *Recommends* Charles Pym, of considerable estate in St. Kitts and most firmly attached to the Protestant succession, to fill vacancy in Council caused by death of Major Richard Holmes. *Signed*, Daniel Moore. *Endorsed*, Reed. Read 4th Nov., 1725. 1 p. [C.O. 152, 15. ff. 128, 129v.]
- Nov. 4.
Whitehall. **769.** Council of Trade and Plantations to the Lords Justices. Recommend for confirmation Act of Antego *for cutting off the intail of lands belonging to John Vernon etc.*, "having had the opinion of Mr. West, late one of H.M. Counsel at Law thereupon." [C.O. 153, 14. p. 201.]
- Nov. 4.
Crutchett
Fryers. **770.** Mr. Newport to Mr. Popple. Recommends F. Bond, *as 29th Oct.* *Signed*, J. Newport. *Endorsed*, Reed., Read 4th Nov., 1725. *Addressed*. $\frac{1}{2}$ p. [C.O. 28, 18. ff. 224, 225, 225v.]
- Nov. 5.
Boston, New
England. **771.** Robert Armstrong to Charles Burniston, Surveyor General of H.M. Woods in North America. I arrived here the second instant, and designe in a weekes time to survey the woods *etc.* The inhabitants still insist that by the late Act the King has no right to mast trees growing within their townships, and will cutt and destroy the same without any reservation to the Crown. *Urges his further application for a suitable remedy etc.* *Signed*, Rot. Armstrong. *Endorsed*, Reed. (from Mr. Burniston), Read Feb. 9th, 172 $\frac{1}{2}$. *Addressed*. 1 p. [C.O. 5, 869. ff. 218, 219v.]
- Nov. 6.
Boston. **772.** Mr. Willard to Mr. Popple. *Encloses* Minutes of Assembly and Acts passed at the Session held 26th May, 1725, and Minutes of Council for half year ending Aug. last, and Treasurer's account. *Signed*, Josiah Willard. *Endorsed*, Reed. 7th Jan., Read 11th Aug., 172 $\frac{1}{2}$. 1 p. *Enclosed*,
772. i. Treasurer's Account of the Revenue of the Massachusetts Bay, 30th May, 1724-1725. *Same endorsement*. 43 pp. [C.O. 5, 869. ff. 301, 302v.-324, 326v.]
- Nov. 10.
Boston. **773.** Lt. Governor Dummer to the [?Duke of Newcastle]. Upon receipt of his letter, has given William Woodside the command of Fort George at Brunswick. *Signed*, Wm. Dummer. *Endorsed*, Rd. Feb. 26th. 1 p. [C.O. 5, 898. No. 35.]
- Nov. 11.
Whitehall. **774.** Council of Trade and Plantations to the Lords Justices. Recommend Charles Pym for the Council of St. Christophers in the room of Major Richard Holmes deed. [C.O. 153, 14. pp. 201, 202.]

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Nov. 11. **775.** *Same to Same. Reply to 20th July.* We have been informed by several persons of distinction, that Mr. Bond is a person of great integrity and substance, well beloved in his country, zealously attached to H.M. person and Government, and very well qualify'd to serve H.M. in the station he desires. Wherefore considering that his fault was an error in judgement only, and that he has already lain for some time under H.M. displeasure for the same, *etc.* recommend that he be restored to his former place in the Council, or upon the next vacancy *etc.* [C.O. 29, 14. pp. 416, 417.]

Nov. 11. **776.** Mr. Fane to the Council of Trade and Plantations. *Report upon* the claim of Thomas Chezus as administrator of Richard Welldon and his wife, on behalf of his children, to a Nevis and St. Christophers debenture. *States case and concludes* that the claimants have no title. *Signed, Fran. Fane. Endorsed, Reed. Read 11th Nov., 1725. 3 pp.* [C.O. 152, 15. ff. 134-135v.]

Nov. 13. **777.** Earl of Warwick to [?—]. My Lord, From Richmond, in Surrey. the encouragement your Lordsp. was pleased to give me to expect your interest and assistance in obtaining either the Government of Jamaica, Burbados, or the Leeward Islands, which shou'd first happen to become vacant, I took the liberty about four months since to acquaint your Lordship that a complaint was preferred by the inhabitants of the Leeward Islands and merchants trading thither against Mr. Hart *etc.*, hoping that it might produce an occasion to mention me to H.M. *etc.* Upon the report of the Lords of Trade, the Lords Justices have ordered a copy of the complaint to be transmitted to Mr. Hart for his answer. I am credibly assured, that the great difference there has been for some time past between Mr. Hart and H.M. Council at Antegoa, makes his stay there as uneasy to himself, as 'tis unwellcome to the people, and is so much encreased of late that, notwithstanding this order he will hardly stay to answer the complaint; intending to leave the Islands as soon as possible; to which end he has wrote to the Duke of Newcastle to obtain H.M. license of absence. As it is very probable to conclude, that he will not return to that Government, I promise myselfe your Lordship will lay hold of this opportunity to serve me *etc.* *Signed, Warwick. Endorsed, Rd. 24. o.s. 2 pp.* [C.O. 152, 40. No. 17.]

Nov. 14. **778.** Governor Worsley to the Duke of Newcastle. Capt. Barbados. Delgarno, H.M.S. *South Sea Castle*, having informed me upon his arrival here the 5th of July last, from the coast of Guinea, that one Blevin master of the brigantine *Catherine* of Liverpoole, had on the coast of Guinea plundered and sunk a Portuguese sloop which was a pirate, and had plundered the settle-

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ment of the late erected Portuguese Company at Cape Lopez, and that the said Blevin designed to sail, after he had slaved, for this Island; Upon his arrival here the 7th past, I ordered him and his crew to be taken up and examined by the Judge of the Admiralty and H.M. Attorney General and as from thence there appeared to be just grounds to suspect them of piracy, they were tryed, the Master was acquitted, but the mate found guilty and condemned. Whilst Blevin had on board of his brigantine Julien de Lyon, who pretended to be master of the Portuguese sloop, he sent Robert Abram his mate with eight hands, on board the sloop for some brandy, for which he offered in exchange beer, cheese, and butter, where a quarrel arising upon Abram's looking for a silver watch, three of the English were killed, and the Portuguese crew left the sloop and went ashore, upon which Blevin sent Julien de Lyon on board in order to leave him there alone, unless he would sink his sloop, which was done, and de Lyon return'd to Blevin, who saved the effects, which he delivered up to me upon his arrival here, particulars whereof I have sent inclosed. About a fortnight after Blevin, arrived here one Jean Bouyé a Frenchman, who was one of the Portuguese sloop's crew, and was put on shore upon the coast of Guinea, as he says, was bought of the negroes, by a master of a Guinea ship and brought hither. I had him also apprehended and examin'd; by his deposition, inclosed, I think it appears pretty plainly, that the Portuguese on board the sloop, had plundered the factory at Cape Lopez, and were turn'd pirates. I have therefore secured in prison, both Julien de Lyon and Jean Bouyé; and as pirates are enemies to all nations and if tryed here, for want of evidence must be acquitted; I design to keep them confined till I have the honour of receiving H.M. commands *etc.* *Signed*, Henry Worsley. *Endorsed*, R. 31st Jan. 4 pp. *Enclosed*,

778. i. Deposition of Jean Bouyé, a native of France late belonging to the Corisco Company at Cape Lopez. Barbados, 25th Oct., 1725. M. Densin, chief of the settlement having gone with 500 negroes to trade with them on the coast of Brazil, and left the settlement unprovided with necessaries, deponent and eight soldiers and five sailors agreed to go to France in a sloop. The Commander told them they should take what goods *etc.* they thought proper, which they did. Deponent, on demanding his share, and four others was put ashore on the coast of Africa *etc.* *Signed*, Jean Bouye, his mark. *Translation*. 1½ pp.

778. ii. Manifest of the cargo of the *Katherine* (v. covering letter). *Signed*, James Blevin. 2 pp.

778. iii. Account of disbursements for stores of war, Barbados, 1725. *Signed*, Wm. Leslie. 1 p. [C.O. 28, 44. Nos. 99, 99. i-iii.]

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Nov. 14. **779.** Governor Worsley to the Council of Trade and Plantations. Duplicate of preceding covering letter. *Signed*, Henry Worsley. *Endorsed*, Reed. 25th Jan., Read 29 April, 1726. 4 pp. *Enclosed*,
779. i, ii. Duplicates of preceding enclosures i and ii. *Endorsed as preceding*. [C.O. 28, 18. ff. 249–250, 251v.–252v., 253v.–254v., 255v.]
- Nov. 15. **780.** Mr. Newman to Mr. Delafaye. Concerning the Charter of the College at Cambridge (Harvard). *Printed*, Mass. Hist. Soc. Proceedings, 1st ser. X. 350. *Signed*, Henry Newman. *Holograph*. 1 $\frac{3}{4}$ pp. [C.O. 5, 752. No. 31.]
- Nov. 17. **781.** Lt. Governor Drysdale to the Council of Trade and Plantations. *The sudden death* of a Councillor obliges him to write by an accidental ship *etc.* *Continues*:—It is Coll. John Lewis, a very honest Gentm. and one mighty well affected to H.M. interest and family. I know your Ldspss. will agree with me that it is a thing of the greatest consequence to this Colony, and to H.M. service here, that those places of trust be kept in able and honest hands, and such as have been ever well affected to our present happy establishment under his Majestie and his posterity. If I may be allowed to bee a good judge after above three years administration of this Government, I humbly presume to recommend John Grymes, H.M. Receiver Genll. as a person very proper to fill that post *etc.* His predecessors were all of the Councill. H.E. Mr. Horace Walpole is well apprised of the integrity and uprightness of this Gentm. *etc.* If he does not obtain the favour expected, *etc.*, I do according to my duty nominate John Curtis Esq. and Henry Armstead Esq. to your Ldpps' consideration; they are private Gentm. in the Colony, whose ancestors have been of the Councill, and their estates and qualifications give them a just pretence to expect in time the honour of being numbered in that rank. *Signed*, Hugh Drysdale. *Endorsed*, Reed. 11th, Read 14th Jan., 172 $\frac{5}{8}$. *Holograph*. 4 pp. [C.O. 5, 1319. ff. 234, 235–236v., 237v.]
- Nov. 17. **782.** Governor Burnet to the Duke of Newcastle. *Acknowledges* letter of 3rd June. Is glad to find that his negotiations with the Indians are approved. *Continues*: I shall use my utmost diligence to observe your Grace's directions in regulating the dealings of our people with the Indians, and doing them justice, which indeed has always made a considerable part of my business with them. But while I am doing my utmost to encrease our correspondence with the Indians, and to draw them from their dependance on Canada, I cannot but complain of the great pains taken by the merchants in London animated by their correspondents from hence to defeat so good purposes. The

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fact that the price of beaver has fallen and never more beaver was exported disproves their chief argument against the Acts to forbid the trade with the French *etc.* *Will observe* his Grace's caution to be careful in recommending none but deserving persons. The principal complaint relating to Mr. Walpole's office of Auditor General has been redressed near two years ago. For since that time the whole current revenue has been accounted for yearly and all the arrears since 1715 to his Deputy, and he has received the five per cent for it *etc.* He, the Governor, has incurred the displeasure of the Assembly by insisting on this. *Explains* arrears for 1709-15 which remain in dispute. The newly elected members of the Assembly have been the chief opponents of the Auditor's claim, which shows that the expedient proposed four years ago by the Deputy Auditor to dissolve the Assembly would have made the opposition still stronger. The Auditor's rights has now become a popular topick. The same newly elected members have now lately opposed the continuance of the Revenue for five years, and would only have given it for two, and lessened it by 6 or £700 a year, "both which I thought it derogatory to H.M. interest to consent to and have therefore prorogued the Assembly till next spring," *etc.* *Set out*, N.Y. Col. Docs. V. pp. 764-766, q.v. *Signed*, W. Burnet. *Endorsed*, R. 21 Jan. 6½ pp. [C.O. 5, 1092. No. 42; and 5, 1085. No. 55.]

Nov. 17.
New York.

783. *Same to* [?Mr. Walpole, Auditor General of the Plantations]. Upon receipt of the Duke of Newcastle's letter relating to the auditing the accounts of the revenue, he has consulted Mr. Clark and has done all he could in addition to what he had done already, by recommending despatch to the Attorney General and Chief Justice in the suit to be brought by Mr. Clark, (the Deputy Auditor), for that purpose. *Repeats part of preceding.* *Continues* :—I have been informed that it is your Excy's opinion, that warrants drawn here on the quit-rents are not to be allowed without H.M. special orders. *Has represented* to the Lords of the Treasury, that if he has been misled herein, it has been by the ancient practice and his interpretation of his Instructions. *Hopes that*, if a warrant from the Treasury is necessary, it may be obtained, for allowing what has been already paid, and for establishing the necessary salaries and incidents for the future. *Congratulates* his Excellency upon the great success of his negotiations in France *etc.* *Signed*, W. Burnet. *Endorsed*, Recd. 24th Jan., 1728. 3½ pp. [C.O. 5, 1092. No. 43.]

[Nov. 17.]

784. Petition of Hannah Penn, Widow and Executor of William Penn, for the repeal of three laws of Pennsylvania among those last transmitted, viz., for rectifying proceedings upon attachments; for directing the proceedings against free-

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holders ; and for regulating and establishing of fees, which "might prove very injurious to the trading people and other honest inhabitants of that countrey : the two first tending to obstruct ye cours of Justice by restraining creditors from proceeding in ye usual and effectual method for recovering their debts ; and ye last for reducing of fees, more especially of ye practicers of ye law, so low as to discourage men of capacity to act in that profession." Signed, Hannah Penn. *Endorsed*, Reed. 17th Nov., 1725, Read 26th April, 1726. 1 p. [C.O. 5, 1266. ff. 206, 207v.]

Nov. 18.
Whitehall.

785. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, Acts of Barbados (i) *to prevent the vessels that trade to and from Martinico or elsewhere from carrying off any negro, Indian or mulatto slaves, persons indebted, or contracted servants* (1722); (ii) *to prevent the danger of contagious distempers brought by ships etc.* (1725); (iii) *requiring all persons to produce to the Treasurer all orders for money due to them from the publick,* (1725); (iv) *for laying a duty on wines etc.* (1725). [C.O. 29, 14. pp. 417, 418.]

Nov. 24.
New York.

786. George Clarke to Mr. Walpole. The choice of their new Speaker, Mr. Philipse, and the newly elected Members of Assembly have given a great turn to the councils of that house, for tho' they are heartily resolved to support H.M. Government, yet the Governor does by no means approve of the manner. *Describes* their proposals for reducing the revenue by taking off the tonnage duty and cutting down the Chief Justice's salary *etc.*, and the Governor's difficulties with them, (v. 17th Nov.) and over the warrants for salaries out of the quit-rents *etc.* Set out, N.Y. Col. Docs. V. pp. 768-771 (*where the signature is wrongly given as G.W.*). Signed, Geo. Clarke. *Endorsed*, Reed. 23rd Jan. 172 $\frac{1}{2}$. *Holograph.* 8 pp. [C.O. 5, 1092. No. 44.]

Nov. 24.
New York.

787. Governor Burnet to the Duke of Newcastle. *Encloses following* duplicate and sketches contents. Signed, W. Burnet. *Endorsed*, R. 15th Jan. 2 pp. *Enclosed*,
787. i. Duplicate of No. 788. [C.O. 5, 1092. Nos. 45, 45. i; and (duplicate of covering letter only) 5, 1085. No. 56.]

Nov. 24.
New York.

788. Governor Burnet to the Council of Trade and Plantations. *Returns* thanks for favourable report on Acts prohibiting trade with Canada. *Repeats* Nov. 17 on merchants' objections, and prorogation of Assembly of New York over the Revenue question till next spring, "at which time I have good assurance that the Members will be disposed to do things in a handsome manner." Public business in the last Sessions of Assembly in the New Jerseys "was carried on with the most unanimity

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that I ever knew." *Reports* on six Acts passed there, "of which the principal was an Act *for the support of the Government for five years*, in most respects the same with that of 1720, except that it makes more ample provision for the revenue, so that the officers of the Government have all considerable additions to their salaries" *etc.* The Assembly were able to do this without increasing the taxes out of £1321 interest on the bills of credit, "it being sufficient for the sinking of the bills of credit within the time limited if the principal as it is to be paid in be cancelled and sunk, which has been punctually performed for the first year." *Describes* the other Acts (ii) *for laying a duty on wheat*, (iii) *to ascertain the size of casks*, (iv) *concerning the appointment of Commissioners of the loan office, and the sinking of £4000 bills of credit*, (v) *prescribing the forms of declaration of fidelity, abjuration, and affirmation etc.*, and (vi) *for the better regulation of elections etc.* "There was too much ground given for this Act by the conduct of the Sheriff of Burlington in favouring Coll. Cox, against a Quaker that opposed him, by keeping the poll open for a fortnight and adjourning it without the consent of the other candidate to the edge of the county. As all this was done without my knowledge, the Assembly had no difference at all with me about it, but altogether among themselves where the Quaker interest and the contrary party are nearly equal" *etc.* *Encloses* Acts and Sessional papers of N. Jersey, and Naval Officer's accounts for N.J. and N.Y. *Recommends* Archibald Kennedy H.M. Receiver General and Collector of Customs for the Council of New York in place of Thomas Byerly, decd. *Set out*, N.Y. Col. Docs. V. pp 766-768. *Signed*, W. Burnet. *Endorsed*, Reed. 15th Jan., Read 16th March, 1726. 6 $\frac{3}{4}$ pp. [C.O. 5, 1054. ff. 2-5v.]

Nov. 24. **789.** *Same* to Mr. Popple. *Encloses* six Acts of New Jersey, and Minutes of Council to 23rd Aug., these Acts and their votes in print, and Naval Officer's accounts for New York, 25th March-29th Sept. last, and for East New Jersey 29th Sept. 1724-June 24th last. *Requests* acknowledgment *etc.* *Signed*, W. Burnet. *Endorsed*, Reed. 15th Jan., Read 23rd June, 1726. *Holograph*. 1 p. [C.O. 5, 1054. ff. 6, 7v.]

[Nov. 25] **790.** Isaac Miranda and Ferdinando da Costa to the Council of Trade and Plantations. Reply to the Duke of Portland's answer (April 12th) as to the seizure of some indigo at Jamaica. The proceedings show that the 52 casks were seized upon a mere suspicion of its being French indigo that had not paid the import duties. All the other pretences of its being imported in unlawful bottoms into Jamaica is only a colour and never made appear. *Refer* to the Board's representation on the merchants' petition, 4th May, 1721. The indigo was purchased by petitioners' factors at Jamaica in

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a lawful way of trade, and shipped in the *Nassau* for Gt. Britain. Should Governors and Officers agree thus to seize ships and goods, supposing an offence in the original importation of them, to what length may they not carry their pretensions? Having met with small opposition a long time in the seizure of our indigo, they attempted to search and seize the indigo on board a whole fleet in 1720, pretending the same had not paid duty on importation. It is impossible to carry on trade in the Plantations if goods not prohibited and shipt as aforesaid should on exportation be liable to seizure for an offence on importation. *Accuse* the Informer, William Norris, of fraudulent practices and attempting to bribe the Attorney General, Edmund Kelly. *Conclude*: In 1720 Governor Sir N. Lawes ordered Capt. Wentworth, H.M.S. *Deale Castle*, to pursue the *James* galley, bound for Bristol several hundred miles to sea and seize some indigo. Capt. Wentworth being afterwards sensible of his danger refused to deliver the indigo to the Govr., but returned it to the owners, nevertheless joining with several others in receiving £2000 from the merchants and squash the prosecution *etc.* *Claim* for principal and Jamaica interest on above indigo, £8810 10s. *Signed*, Isaac Miranda, Ferdinando da Costa. *Endorsed*, Recd. Read 25th Nov., 1725. 7½rd large pp. [C.O. 137, 16. ff. 124-127v., 128v.]

Nov. 25. **791.** Order of Lords Justices in Council. Referring Act of Whitehall. Antigua, for cutting off the entail of lands belonging to John Vernon, and the Representation thereon by the Board of Trade (4th Nov.), to H.M. Attorney and Solicitor General, who are to report to the Committee of Privy Council *etc.* *Signed*, Temple Stanyan. *Endorsed*, Recd. 31st Dec., 1725, Read 12th Jan., 1725. 1p. [C.O. 152, 15. ff. 220, 221v.]

Nov. 25. **792.** Order of Lords Justices in Council. Re-appointing Whitehall. Francis Bond to the Council of Barbados, upon report of 11th Nov. *Signed and endorsed as preceding.* 1¼ pp. [C.O. 28, 18. ff. 240, 240v., 241v.]

Nov. 25. **793.** Order of Lords Justices in Council. Appointing Whitehall. Charles Pym to the Council of St. Kitts. *Signed and endorsed as preceding.* 1 p. [C.O. 152, 15. ff. 222, 223v.]

Nov. 27. **794.** Address of the Representatives of Pensilvania to the King. We thy faithfull and loving subjects assembled to consider of our provinciall affairs, do in the first place hold ourselves obliged in duty and gratitude with great humility to return our hearty and thankfull acknowledgments to thee and thy Great Council for all the liberties and privileges this poor Colony enjoys under thy auspicious reign particularly the favour lately extended to the people called Quakers by thy royal sanc-

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tion given to the laws which allow their affirmation instead of an oath in all cases. And this puts those people in a capacity to serve the Government and restores them to a right that belonged to the first purchasers and adventurers into this Province which with hopes of enjoying the liberty of their consciences induced them to come over, and at their own charge contribute to this enlargement of the British Empire. And since we and all the rest of the King's Protestant subjects are partakers of his protection and indulgence both in religious and civil rights we are laid under the deepest obligations of duty and obedience to his person and Government, and shall with great alacrity imbrace all opportunities to demonstrate the same most earnestly desiring that the King may be blessed with a long and prosperous reign in this life and a crown of eternal glory in that to come *etc.* *Signed*, by order of the House, Dad. Lloyd, Speaker. 1 p. [C.O. 5, 1234. No. 6.]

Dec. 1. **795.** Mr. Popple to Mr. Fane. - Encloses six Acts of N. Hampshire, 1723, 1724, for his opinion thereon in point of law. [C.O. 5, 915. pp. 449, 450.]

Dec. 2. **796.** Mr. Fane to the Council of Trade and Plantations. *Reply to 18th Nov.* By the Act of Barbados *to prevent the carrying off slaves etc.* the punishment for carrying off negroes is death and the forfeiture of the ship and cargo. This is a little too severe, but the same law has been found necessary in all the other Islands *etc.* A penalty of £500 is also laid upon any person compounding any matter done contrary to the Act in relation to negro slaves without proceeding in a due course of law to bring the offender to justice ; and this penalty is to be recovered as in the case of servants' wages, that is before the Justices of the Peace, and to be applied one half to the Informer and the other to the use of the fortifications as the other penalties in this Act are. I submit that this summary method of proceeding in cases of penalties before the Justices of the Peace and which seems now to be pretty general in the Plantations ought to be condemned, but particularly in so penal a law as this is, which ought to go through the most strict and regular enquiry the Law allows off, and deserves the greatest weight and consideration before it is determined. The penalties imposed by this Act are not applied in the usual method they ought to be, for no part of it is given to H.M., which I apprehend is restraining the prerogative of the Crown in a very great instance and contrary to the Instructions. *Signed*, Fran. Fane. *Endorsed*, Reed. 2nd Dec., 1725, Read 29th April, 1726. 2 $\frac{3}{4}$ pp. [C.O. 28, 18. ff. 246-247v.]

Dec. 2. **797.** Lt. Governor Armstrong to the Council of Trade and Plantations. Notwithstanding the fair promises of the French Governor of Cape Breton *etc.* (v. Sept. 5th), I have had the good

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luck to take two of his passports, the one for trading, the other carrying a Missionary preist, both with his directions coming to this Government contrary to his faith and promise; desiring in the priest's passport the protection of the Commanders in Cheif, just as if he commanded them thereunto, contrary to H.M. honour and dignity *etc.* (v. *enclosures*). I have also certain information of a great body of Indians joyned with the evil French inhabitants of this Province, that are to attacque us this winter in order to destroy this Settlement, and Fishery, which is one of the greatest in the world, and which the French cannott bear without the greatest envy, and underhand do all they can to destroy it. Wherefore I referr myself to your Lordshipps directions, what you shall think proper for me to do in this case for H.M. service early in the spring: and whether your Lordshipps will not think it proper for me to take a tour thro' the Province, and oblige the French inhabitants as well as Indians, to take the oaths to H.M. King George, in order to become true and lawfull subjects, or be obliged to quitt the Government intirely, which in my humble opinion would be the best way, for we shall never be safe or secure so long as they are permitted to be snakes in our bosoms; that would cutt our throats on all occasions. *Refers to enclosures. Signed, L. Armstrong. Endorsed, Recd. Read 28th April, 1726. 1½ pp. Enclosed,*

797. i. Philip de Gruchy to Lt. Governor Armstrong. Island of Sables, 9th Nov., 1725. The crews of the ship *John and William* and the sloop *Eagle*, wrecked here on 20th Oct., amounting to 42 persons, are reduced to very great extremities for want of provisions here *etc.* as our stores are small we cannot help them much longer *etc.* *Signed, Ph. de Gruchy. Copy. 1 p.*
797. ii. Wm. Blyn, master of the *John and William*, and George Green, master of the *Eagle* (v. *preceding*) to Lt. Governor Armstrong. *As preceding. Pray* to be allowed to take a small schooner just arrived in this harbour from the French shore, in order to escape from the Island having nothing to subsist upon, but what they kill. *Signed, William Blyn, George Green. Copy. 1 p.*
797. iii. Order by Lt. Governor Armstrong, that the said French schooner be valued and a proper agreement be made with the master, as desired, No. ii. Canso, 24th Nov., 1725. *Signed, L. Armstrong. Copy. 1 p.*
797. iv. Valuation of and agreement for the *Mary Magdalen* schooner of St. Peters in Cape Breton, £90 N.E. money, £6 for the run to Cape Sables *etc.* (v. Nos. i-iii.) *Signed, Phi. Dumarisq, William Blyn, William Ellery, George Green. Canso, 24th Nov., 1725. Copy. 1 p.*

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797. v. Receipt by W. Blyn and G. Green for provisions received from Lt. Gov. Armstrong. *Same date. Signed, William Blyn, George Green. Copy. $\frac{3}{4}$ p.*

797. vi. (a) Passport issued by the Governor of Cape Breton to a French missionary priest to go to Acadie to help another missionary there. The Lt. Governor and Commander of this Province are to welcome and protect him. Louisburg, 1st Oct., 1725. *Signed, St. Ovide de Brouillan. French. Copy. Subscribed,*
(b) I ordered the above priest to return to Luisbourg and at his perrill not to return into this Province without my express leave. *The whole, 1 p.*

797. vii. Passport to the master of a French vessel, to trade during 1724 along the coasts of the Colony of L'Isle Royal, Louisbourg, 1st Jan., 1724. *French. 1 $\frac{1}{2}$ pp. [C.O. 217, 4. ff. 308-315v; and (abstract of covering letter), 217, 30. p. 19.]*

Dec. 2. **798.** Lt. Govr. Armstrong to the Duke of Newcastle.
Canso. Repeats preceding letter, *mutatis mutandis. Signed, L. Armstrong. Endorsed, Rd. April 27. 2 pp. Enclosed,*
798. i-vii. Copies of enclosures i-vii preceding. [C.O. 217, 38. Nos. 9, 9 i-vii.]

Dec. 6. **799.** Extract of letter from Mr. Delafaye to Governor
Whitehall. Burnet. *Recommends Mr. Walpole's case. The Duke's letter will convince your friends that the Ministry is very much in earnest about it. "I have written to him to use his influence, which is very considerable at the French Court, to have such a Governor appointed of their settlements as may not tread in the steps of his predecessors by giving underhand disturbance to our plantations" etc. "I wish our own people may not in some measure be the aggressors by dealing unjustly or roughly with the Indians, for I doubt our planters are too apt to overvalue themselves, and to imagine those creatures are not to be treated as rational beings like themselves." Set out, N.Y. Col. Docs. V. pp. 771, 772. 1 $\frac{2}{3}$ pp. [C.O. 5, 1092. No. 46.]*

Dec. 7. **800.** Mr. Fane to the Council of Trade and Plantations.
Report upon case of William White etc. v. 26th July. The statute of 33rd Hen. VIII remains in force and applies to this case; but the method of trial pursued was not in the least warranted by it, for the examination appointed could only be by the Privy Council, and the commission for trial issued only by the Chancellor of England under the Great Seal. Signed, Fran. Fane. Endorsed, Recd. Read 8th Dec., 1725. 3 pp. Enclosed,
800. i. Copy of No. 767. [C.O. 152, 15. ff. 136-139v.]

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Dec. 8. **801.** Mr. Popple to Sir Philip Yorke (Attorney General) and Sir Clement Wearg (Solicitor General). Enclose for their opinion in point of law, case and queries relating to the trial of White (*v.* 4th Nov.). [*C.O.* 153, 14. *p.* 200.]

Dec. 10. **802.** Caveat on behalf of the Lords Proprietors, that no grant of any office, employment or lands in S. Carolina be passed, without notice given to their Secretary, that they may be first heard as to their right to appoint the officers in that Government *etc.* [*C.O.* 5, 290. *p.* 169.]

Dec. 11. **803.** Mr. Fane to the Council of Trade and Plantations. Has no objection in point of law to Acts of New Jersey, (i) *for the support of Government*, (ii) *concerning the duty of Commissioners to manage the loan offices in the counties*, and (iii) *for the better putting in execution the act for regulating of fences etc.* Signed, Fran. Fane. *Endorsed*, Recd. 13th Dec., 1725, Read 23rd June, 1726. $1\frac{3}{4}$ pp. [*C.O.* 5, 972. *ff.* 104, 104v., 105v.]

Dec. 15. **804.** Capt. King to the Council of Trade and Plantations. Your Lordships having been pleas'd some time since to defer reporting upon the Jamaica Act for settling of the Pero Plantation until the matter was determin'd in Chancery, *encloses following and prays* for favourable report on said Act. Signed, Thos. King. *Endorsed*, Recd., Read 15th Dec., 1725. *Addressed*. 1 *p.* *Enclosed*,

804. i. Order in Chancery, 8th Dec., 1725, dismissing, with costs, the bill of William Gordon and wife *v.* Thomas King and wife, for want of prosecution. Signed, Tho. Parnell, Deput. Regr. 1 *p.* [*C.O.* 137, 16. *ff.* 129, 130, 132v.]

Dec. 15. **805.** Mr. Popple to Mr. Attorney and Mr. Solicitor General. Whitehall. Again presses for reply to 17th Aug. 1724. [*C.O.* 5, 1365. *p.* 285.]

Dec. 15. **806.** Petition of Wavell Smith to the Council of Trade and Plantations. The Address of the Council and Assembly of St. Kitts (*v.* 20th July) is not entered in the Council books. It was contrived by Governor Hart and sent about privately to the Members *etc.* *Asks* for copy of Governor Hart's reply to his complaint (20th July), *etc.* *Endorsed*, Recd., Read 15th Dec., 1725. $2\frac{1}{4}$ pp. [*C.O.* 152, 15. *ff.* 158-159v.]

[Dec. 16.] **807.** Copy of a resolution of the General Assembly of Connecticut, appointing Commissioners to settle the boundaries with Rhode Island, Oct. 8, 1702. *Endorsed*, Read 16th Dec., 1725. 3 pp. [*C.O.* 5, 1266. *ff.* 191-192v.]

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[Dec. 16.] **808.** Copy of a letter from the Governor and Company of Connecticut, 1st June 1720, to the Governor and Company of Rhode Island, and of their answer, 7th July, 1720, and a reply thereto, 18th Aug., relating to the boundaries. *Endorsed as preceding.* 9 pp. [C.O. 5, 1266. ff. 193-197v.]

Dec. 18. **809.** Report by Mr. Solicitor and Mr. Attorney General upon the case of W. White. (*Reply to 4th Nov.*) We are of opinion that the Statute of 33 H. VIII does not extend to the Plantations and that there is no foundation from that Act to grant special commissions of oyer and terminer for trial of offences arising out of the Colony, within which such commission is granted. The safest method of bringing White to justice is to send him over into England to be examined before the Privy Council *etc.*, and tried pursuant to that statute *etc.* *Signed*, P. Yorke, C. Wearg. *Endorsed*, Recd. 22nd Dec., 1725, Read 12th Jan., 172 $\frac{5}{8}$. 5 pp. [C.O. 152, 15. ff. 216-218, 219v.]

Dec. [18]. **810.** Governor the Duke of Portland to the Council of Trade and Plantations. *Acknowledges* letters of April 30th and June 30th *etc.* *Continues*: I heartily wish the Revenue Bill cou'd have mett with a quicker despatch the reason for it your Lordships will find by what I shall hereafter mention. *Returns* thanks for Mr. Mill's appointment to the Council. *Continues*: As to the other four Councillors who went for England, of which two are dead, and two others appointed to fill up their places, I own I am under some difficulty how to express myself concerning them. I would fain avoid giving the least grounds to think I am dissatisfied with whatever your Lordships judge proper or reasonable, and unwilling to give characters of persons as they deserve, but as my duty to H.M., and the Publick service here calls upon me, I think it would be wrong should I be silent. Before I go on, I must earnestly intreat your Lordships not to think what I shall say proceeds from any private view, my greatest pleasure would be to conform in all things, if possible in such a manner as would be most agreeable. I likewise with some concern must desire that the contents of my letters may be kept more private. How persons come to be inform'd as they are of what I write, I can't tell but it is hard that when I am giving those necessary intelligences that are expected from me, particularly concerning people's characters, that, that should be known, and when not to the advantage of some, I certainly must expect to make as many personall enemies. Your Lordships inform'd me you had recommended Mr. Laws to succeed Major Rose *etc.* Mr. Laws ever since my arrivall here has constantly been the greatest oposer to everything recomended by the Government, he publickly professes he will leave nothing untry'd to create trouble, raise difficulties, or make me uneasie, and has always gloried in doing it in so extraordinary a manner, as to desire to

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be taken notice of, that he was single in his opposition whilst in the Assembly, in matters wherein they intended to be unanimous. Just after my arrival he came for some short time to see me, but but ever since has carry'd himself with such an air of defiance, as to forbid his wife to make a visit to mine, resolving he never would appear in the King's House, upon consideration, he thought proper to come himself to acquaint me that he had H.M. privy Seal to be sworn in one of the Council. I can't suppose he can complain of the manner of his reception or that even he expected the civility he then mett with, that very morning I had him sworn in, and he took his place accordingly, when the Council was over I prest him to dine with me, which others prevail'd with him, much against his inclinations, to do ; But his wife has not had leave to pay the least compliment to mine, and neither, he or she, ever come near us. His method is to wait for notice when the Council is going to meet, and the moment it breaks up to affect some hasty engagment in order to be gone. His behaviour whilst he attends is so remarkable and shocking that it would take up too much time to describe it. He can't conceal his pleasure and vanity in obstructing, or confounding, if he can whatever is proposed, and what is intolerable he without any exception confederates with all those who delight in opposition and confusion, and makes the worst use he can of all he hears and knows by his being in Council. I was in hopes that since Mr. Barnard had withdrawn himself, there wou'd have been a stop, at least in Council, to division, but by Mr. Laws Mr. Barnard is there by his representative, and such a one as will when putt upon by his brother Barnard go such lengths, and undertake such things as Mr. Barnard's temper would not have admitted him to appear in. As to Mr. Henry Stout who succeeds Coll. Sadler I own it surprises me, as it do's most Gentlemen of a superior character and figure to his, how he came to be recommended. I realy shou'd have been backward in doing it, considering his late condition and circumstances, it is but a few years ago that he was a Quaker, and that all the fortune he now has, he got by an old woman he married, and don't care to live with ; what he expects she should give him, or what she has in her power to leave him at her death, I can't well learn. As he is a young man this is fresh in peoples memories who think much of it, that he should be rank'd amongst the Councillors, and they themselves can't help expressing some uneasiness that such a one hardly fit company for them before, and one of the same kidney with Mr. Laws should now be their equal at that Board, besides the distance he lives at from this town makes it inconsistent with his attendance in Council, which is a difficulty I already too much labour under. I wish they had as great a desire to attend as they are solicitous to have a place at that Board, as a pretence only to be idle. As to the other two who still remain in England the one Col. Pusey I have no manner of

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objection to him, provided he returns *etc.* But as to the other who is Mr. Gregory had I known before he went to England what I know now, it would have been my duty at least to have dismissed him from the Council then, if I had carried it no further, but as he went soon after my arrival I could not then be so well informed as I have been since, tho' I own I had my suspicions particularly at such times and as often as the affair of Coll. Du Bourgay came to be consider'd of and debated. He made such a jest of the King's privy seal and ridicul'd H.M. authority in so arrogant and undecent a manner as obliged me several times to silence him, by putting him in mind of the authority by which he had a place there, not to exceed the bounds of moderation, but to remember his duty in that place, and the oath he had taken *etc.* ; whilst he has been absent *etc.*, I have heard it publicly talk'd of and generally own'd that he is the most notorious Jacobite in the country, that, he professes and glories in it wherever he is free over a glass of wine, and had like to have involved himself into difficulties upon that account before I arriv'd ; severall of my servants have acquainted me that even at my table whenever the Kings health was drank that as often as any of his friends were near him they have heard him express himself, this is to our Dear Jemmy. How proper and agreeable it must be to have such a person in Council I submit to your Lordships' judgment. I cou'd make several objections to others but that this country is so unprovided with those that are unexceptionable that I am quite at a loss to find out how it can well be mended, and the resolution I had made to recommend none but such as are persons of some character, of estates or integrity, has hitherto prevented me to send over any list of names, but however there is one here I must likewise represent against and he is Coll. Anthony Swimmer. He never attends the Council any more than he do's (as being a Judge) the Grand Court. He is one of those who alledge the inconveniency it puts him under by being at such a distance, and constantly under some frivolous pretence of indisposition, or private business, declines his attendance : But he never fails at the setting of an Assembly, at which time he thinks he can do mischief. His health or private business don't at such a time stand in the way. His plotting and confederating with the opposers of the Government is so notorious that the generality of those who come to me wonder to see, how he can with a grave face in my presence pretend to have nothing so much at heart, as to see the Government perfectly easy whilst I am here ; as the best and only way to have this country prosper, and under the pretence of civility or regard to me when in town is a daily constant spy upon all my actions, upon all persons and on every word spoken in my company. The use he makes of it, is, to go to their private place of meeting, appointed for that day, which most generally is at Mr. Barnard's and Mr. Laws's they being in

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the same house, or in the neighbourhood at one Mr. Henderson's (who upon the recommendation he brought from my Lord Westmorland I shew'd all the favour and countenance in my power but has constantly disappointed me in every thing I could expect of him) there Mr. Barnard now supported by Mr. Swimmer and Mr. Laws his brother lays schemes how to frustrate, whatever is intended by the Government, by putting the worst interpretation they can invent upon every thing, and raising scruples, jealousies and discontents in peoples minds. This could not so well be done whilst Col. Swimmer was alone, but now encouraged and supported by the assistance of Mr. Laws, they attempt whatever offers itself first to their minds. This is chiefly, I wish I could say not intirely owing to the incouragment the opposers have (I hope accidentally) received by seeing two of their friends at home lately so distinguished at Home, and one of them who had so constantly since my arrival declar'd his resolution to obstruct whatever might make the Government easier than it was in his father's time before I came, they have by this resolved to try all means, that may interrupt that tranquility matters had been brought to, and they with great impatience expect the new addition their strength will receive by the arival of Mr. Gregory and Mr. Stout, so that I now shall have to encounter the spleen of Sir N. Laws's family for his being superseeded in the Government, and Mr. Barnards who can't forgett the coming over of Coll. Du Bourgay, however this may without any great difficulty be rectified. I return your Lordships thanks for expressing (in what you mentioned concerning the Provost Marshal) your satisfaction and pleasure that the struggle I had about it is over, and hope you'll continue in the same disposition towards making my administration easy : Butt my Lords what I should be glad to know ; and desir'd your Lordships advice and oppinion in, was, that, whereas in my instructions, I am directed to inspect into the behaviour of the Deputies put in by the Patentees, and also of the patentees ; to suspend them upon misbehaviour *etc.*, how I can execute and how I must proceed, in what is expected from me by that instruction, when deputies and patentees are as they insisted upon, independant, and in a manner bid defiance to any superiour power here ; taking care to keep within a hair's breadth of their duty : But at the same time neglect, insult, caball, oppose, and redicule all manner of Government, and upon a suspension of a Deputy insist upon their right of nominating others, declaring they will nominate none but such as shall be more and more, disagreeable ; whither this be within the meaning of good behaviour, I won't take upon me to determine, nor can I tell whither upon this they can be proceeded against in a due course of law. I think your Lordships may plainly see how carefull and tender I have been not to exceed its bounds, and certainly shall always continue

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to be so, but as this method of proceeding if not discouraged may be attended with the greatest inconveniences, and frustrate the intention of the instruction, in my opinion some way might be found out at home, so as to make them know their duty, if not to compell them totally to do it, some check or reprimand, at least from home to such Patentees or their deputies whenever hereafter this may happen again might be of service. But if omitted and on the contrary seem to be countenanced must make the Government contemptible. As to the Coroners here; and the writs of error in council which I formerly mentioned I need not give your Lordships any further trouble about them, since no ill consequence can be apprehended from thence, but what, now I am apprised of your Lordships sense, I can without difficulty remove. As to what has happen'd concerning the last received Instruction to have the laws further continued for a year will be the subject of what is to follow. The state of tranquility I have mentioned before *etc.* had a pleasing aspect, and a promising one as to its continuance. I did not question but that with very little trouble I should have had what might have been expected from me at Home, carried on smoothly, but am sorry I must represent, that the news of Mr. Laws, and Mr. Stout, being nominated of the Council no sooner came over but that I perceived a great alteration in the tempers of some persons: Mr. Barnard and his friends took it as if they had carried a great victory. Congratulations and rejoycings were frequent; this news unhappily came over at the same time with the instruction to have the laws here continued for a year longer, and just as the setting of the Assembly was necessary. What they were driving at was obvious by their frequent meetings and summoning not only their friends but all those they could propose any ways to influence. When the Assembly mett the effects of their contrivances soon appear'd by jealousies, discontents, and a desire to oppose and find fault with every thing. All my behaviour in their private cabbals had in every respect narrowly been scrutined, but as to that I hope it will not be thought vanity in me to say, that I bid them defiance; and can have no greater satisfaction than what I receive from the hopes and confidence I rest under, that my actions when ever examined will at least be able to justifie themselves. As they were to their great mortification entirely dissappointed in that examination it increased their spleen, and made them with more fury resolve to contrive, and watch for opportunities to vent it on all occasions. The first thing they begun with was to expell Mr. Attorney Generall who upon his former expulsion the session before had been re-elected in some vacancy that had happen'd. Next having appointed their committees as usuall and amongst them one of grievances they contrary to usage impower'd that committee to sett, take depositions and proceed to business at Port Royall, with powers to send for

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papers, persons or records, this fishing committee (not knowing what other name to give it so like an inquisition) being return'd with nothing matterial for their purpose but quite the contrary ; made them resolve (that it might not appear they had been dissappointed again in their inquiry) to give out in the best manner they could think of to gain with the Publick, that they had discover'd mighty abuses and grievances, and those chiefly committed by Marquis Du Quesne ; to support this and digest it into such a method as they thought would be proper to serve their aim, took up a considerable time and as they wish'd, stop'd all other business ; their way of proceeding in this was extraordinary and arbitrary, for as people now and then to please and court the Assembly, and Committee, and some of them in their cups advanced what cou'd by no means be made out or proved, if they afterwards scrupled (as some did) to be sworn to what they had so said under the notion of a volentary oath, those persons so refusing were committed to goal, and the first question upon any application for their releasment, was, whither they were disposed to swear, these terms upon which people were to be admitted to their liberty prevail'd with a few ; but others of a more scrupulous conscience rather chose to continue some time longer in their confinement ; This was done as was said to punish those who did trifle and prevaricate with the Committee and Assembly. Whether this assum'd authority led by passion be grounded upon precedents or supported by any law or custom and also what consequences it may hereafter be attended, I submit to your Lordships' judgment *etc.* As most of what they had to alledge against Marquis Du Quesne was what he had done in obedience to orders consider'd in Council which he had received and had by him to prôduce for his justification, so the Council was also fallen upon and represented amongst their complaints as authors of their grievances, after they had for form sake come to several resolutions concerning these terrible hardships (as they were pleased to stile them). Marquis Du Quesne was advised to desire that he might be inform'd of what he had been charged with, which as yet was a secret to him, that he hoped his character would not stand impeach'd without giveing him leave to be heard, when he did not in the least doubt but that he cou'd justifie and vindicate all his proceedings, which when granted him, tho' after some struggle for it, and fix'd a time for his answer or appearance he plainly shew'd how ill grounded and malicious their prosecution against him was ; but notwithstanding they adher'd to their former resolutions wherein the Council was not at all spar'd, but severely censured, these resolutions being regularly put in form, were brought to me by the Speaker and the whole House (and that there might be no opportunity to undeceive the Publick here) with an address to the King, to have those grievances redress'd, and another to me to lay them

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in the most effectually way before H.M. But as the sense of the Council was that such a manner of proceeding and such a libel ought not to be countenanced, which they wou'd vote a scandalous one whensoever I should consult with them upon it ; considering to what a temper people had been wrought up to, I thought it most advisable at least for a while to let this rest by me, and not give a new handle for any farther disturbances. When they found it was in vain for them to attempt looking out for any foundation, to build any just complaints upon, they than begun to enter upon business ; but in such an extravagant manner as hardly can be described, they in a hurry past a bill for the continuance of their laws, and having hitherto trifled away their time, had none sufficient left to finish it so as to send it to the Council till late that very day when their laws expir'd, which made it impossible it should pass in time, by which one to revive their laws became necessary. As no pains had been lost always to contrive how to obstruct all publick affairs, and make the Government uneasy, they raised new jealousies in people's minds, and gave out that they had better be without laws than to have them renewed yearly, which (as they pretended to perceive) was the intention of the Ministry at Home ; but this new started notion did not so immediately take as to prevent a bill to revive their laws, however they privatly took care (and it pass'd unobserv'd in the Assembly) to omitt what was material, which was a clause to prevent the old duty of eighteenpence pr. pound upon indigo (which is a prohibition) to be in force again as it must have been by reviving what they call the old revenue bill, to the great prejudice of the last new additional revenue bill lately transmitted home, by the consideration of this their intentions were soon found out, of destroying if they cou'd this new additional revenue bill, as a matter gain'd by the Government too considerable for them to be eas'y under ; the notion of popularity, to improve this, was used, by which such a ferment has been raised as has not yet been got the better of. The Council to rectifie the omission of the Assembly made an amendment to the bill, for reviveing the laws for a year, but the Assembly not thinking it proper to admit of an amendment made by the Council, to a money bill, tho' in their opinions the amendment was necessary, they pass'd a short supplementall explanatory bill to the same purpose, but as this did not answer their design having as yet gain'd nothing or gratified their desire they study'd how to proceed, if in their power, to perplex the Government, in which I must affirm, they were too much encouraged and assisted, particularly by such of the Council here whom I have before mentioned. The Assembly then having before them the Difficiency Act, which provides for the independent Companies, and was to make good my additional sallery, besides other publick expences, they thought that

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tacking an entire repeal of the additional revenue to so necessary a bill for the publick, and of advantage to me would certainly answer what they aim'd at, which made them tack a clause of repeal of all the duties granted by the additional Revenue bill and continued the same in this clause for a year contrary to the meaning and intention of the additional Revenue bill, which is that all the duties thereby granted should be perpetuall till H.M. pleasure was known, or at least not to be made temporary, but be in force till a law for perpetuating the revenue in lieu of it and the laws could be past. If they cou'd have succeeded, the Government hereafter must have been greatly distress'd, particularly whensoever the perpetuity bill for the revenue, and the laws, now under consideration at home, comes back, with H.M. instruction concerning the same; in their progress they show'd their resentment against my friends who opposed this tack, by expelling them the House, particularly the Speaker, and chose one Mr. Mellin in his room, who is fitt for their purpose; they likewise found fault with the person who acts as Agent at home, as having been negligent and remiss; so they brought in a bill to appoint another. As some of the Council who had been in all their consultations and caballs, had used their industry and interest to gain upon others, who of themselves mean well, to make them concur in their opinions, by representing several inconveniences in case they should be without laws, and the consequences of not having the Difficiency bill. So the Council pass'd those bills, and declar'd their sense, that it wou'd be proper they should have my assent. By this it lay all upon me to make a stand and to declare I cou'd not pass bills so fram'd, for which I gave my reasons as observations, to answers, they had given me to Queries, I had stated to the Council, (*inclosed*). As matters stood, and if practicable to bring them right again a short prorogation was thought necessary, and they were accordingly prorogued, but tho' a few upon this prorogation mett, yet no house could be gott to proceed to business, which has obliged me again, in hopes they may cool, to prorogue them to a further time. The fury they express'd for not obtaining this repeal, by which they thought, and intended, to bring the Government to an entire subjection, was surprising; I can't yet tell whether this ferment so raised *etc.* will be easily laid, tho' I intend to try them again and if obliged to dissolve them, it will be against my inclinations; because the scarcity of proper persons here, or the number of such who for want of a publick spirit are not desirous to be chose, will make room for many if not most of those who I cou'd wish to be changed to be re-elected again, who will then in probability pretend to be more exasperated. What I must observe to your Lordships is, that those of the Council I have named, who chiefly promoted this took all the oppertunities to exclaim against it, and when it came to a tryall to have them peremptorily declare themselves,

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they kept out of the way. Mr. Laws, in his usuall manner, appear'd but for one moment, and Coll. Swimmer a day or two before unknown to me, and every body, left the town and went to his house in the country ; where he certainly will continue till his assistance be call'd for on the like occasion. Depending upon the countenance I expected to meet with at Home, and particularly from your Lordships, I have spar'd no pains to bring matters here into good order, and have in a great measure succeeded, but it would be too tedious for your Lordships, should I proceed to particulars, and not be so proper for me to enumerate. The troublesome difficulties one meets with here are full enough to struggle with, but if it be possible for the people so much to suspect that the least support is wanting, or that those who are inclined to oppose the Government, can have the least encouragment, all attempts to succeed in any thing recommended from Home may be laid aside. All what the Government here has to influence, is the people's expectations of being recommended to favours from home, if or whenever they can perceive they are to be come at, by any other channell it renders the Government here intirely insignificant, so as that it must be exposed to encounter or suffer whatever the most unaccountable tempers can forge. I need not make use of arguments to convince your Lordships since what has now happen'd, when everything was in a perfect state of tranquility, and likely to continue so, is sufficient to prove it ; and to show by this unexpected change what advantages are taken by those who oppose the Government ; and the consequences that attend, distinguishing those who can't by their behaviour lay any claim to the least favour. As I have already said that this may without any great difficulty be rectified, I don't question but that at furthest when the bill for perpetuating the revenue, and the laws, comes back (tho' I may meet with obstructions before) I shall then be able to do it, but then must represent that if the Government has not all the support, and countenance, that can be given to it from Home, it is to no purpose to hope for any success : I own my Lords if I had not been a witness to it my self I cou'd hardly have thought any thing cou'd so suddainly have work'd so great an alteration ; but when one is acquainted with the humours people here are commonly led by, 'tis not surprising ; and one ought never to be unguarded against, but constantly expect whatever is unreasonable. I must now also acquaint your Lordships, that I have not the least hopes or expectations to see any harmony in the Council ; if the four I have before nam'd vizt. Capt. Gregory, Coll. Swimmer, Mr. Laws, and Mr. Stout do continue there, it can't be supposed any one will openly speak his mind, when he is sure every word that is said will be divulged, and amongst those who will give the worst turn they can to it, so as will best answer their design's ; and by those means prepare themselves

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to obstruct and undermine whatever is proposed, or projected ; can it be proper for me to declare my sentiments before such people, or prudent to listen to the opinions and advice of those I can't trust ; I cou'd inlarge further on this but am confident the mentioning of it is sufficient. I do therefore earnestly desire this may speedily be taken into consideration, so that this difficulty may be removed ; which I hope (tho' I have reason to apprehend it from the stop it may give a publick business) I shall not be compel'd to take upon me before I can hear from your Lordships, for which purpose I shall send the names of the properest persons I know or can think of inclosed. If your Lordships at any time should disapprove any of my proceedings, I shall always with pleasure, upon the least intimation try to rectifie what may be thought wrong, what I aim at, and do for H.M. servise press for is that people here may not think their interest at Home ought to enter in competition with mine, whilst entrusted here by H.M. By settling the Council here so as that a confidence may be reposed in one another, by having the Government countenanced and supported at Home so as that people here may be sensible of it, and by curing the people of their groundless jealousies and apprehensions concerning the renewing of their laws, which they are made to believe is intended now, no otherways than annually ; but will be removed as I hope soon by receiving H.M. instructions concerning the perpetuity bill *etc.* When this is done, wherein I can't foresee any great difficulty at Home, I don't question but that I shall get the better of all those I can meet with here, and disperse all those clouds, which at present stand in the way. In the mean time, as no manner of inconveniency has happen'd to the Government, or the People here for want of the expired laws : so no care or application of mine shall be wanting, to keep every thing in the same regular order as they have been now for above these two months, and if possible my attention shall every day increase to find out what may be for H.M. servise, and at the same time for the tranquility and advantage of those in this Island. *Apologises* for length of letter *and desires* that all practicable dispatch may be given to what is under consideration *etc.* P.S. Must wait till next opportunity to send Minutes of Council and Assembly and Answers to the Board's Queries *etc.* *Signed*, Portland. *Endorsed*, Recd. 25th Feb., Read 4th March, 1725. *Dated* December the [—]. *But see* Jan. 23, 1726, and following letter. 14 large pp. *Enclosed*,

810. i. Queries by H.E. with replies by the Council of Jamaica and H.E.'s observations thereupon relating to the Deficiency Bill. *Endorsed*, Recd. 25th Feb., 1725. 12½ pp.

810. ii. H.E.'s Speech to the Council and Assembly of Jamaica, 14th Sept. and 19th Nov., 1725, with

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Addresses and Answers by the Council and Assembly relating to the continuance of the Revenue and Laws *etc.* *Endorsed as preceding.* 15 $\frac{3}{4}$ pp.

810. iii. Persons recommended for Councillors :—William Needham, formerly Chief Justice and Speaker *etc.* Richard Elleston, formerly of the Council, Gabriel Marquis Du Quesne, William Monk, Attorney General. Valentine Mumbee, senr., Thomas Fearon, John Morant, son of the Councillor who has recently died, and Henry Dawkins are of good estate and character *etc.* *Same endorsement.* 1 p. [*C.O.* 137, 16. ff. 147–153v., 154v.–157, 158–161, 162v.–170v., 172v., 173, 174v.]

Dec. 18.
Jamaica,
Spanish
Town.

811. Governor the Duke of Portland to the Duke of Newcastle. When your Grace sees such a long letter, as what I now send over, you'll be surpris'd I should have any thing left to trouble you with, but my Lord, tho I am unwilling, yett, as matters stand here, and may for want of notice or care grow worse, I can't avoid itt, hoping also that what I may say, may be the means to rectifie att present, and for the future prevent, the like unhappy and unforeseen turns. I therefore must represent, in the strongest and most effectuall manner, how necessary it is, from the consequences people here, are allways ready to draw, from the most minute thing done att home, and who are constantly watching to lay hold of what may serve their unreasonable and undecent purpose, that they should be made sencible (so as to be convinc'd) that it is to be expected att home, a just regard should be had here for H.M. Government, and be satisfied that a dutifull behaviour to H.M. is the only way to obtain favours, not to take their words for it, but bring the recommendation with them, of him, who as being trusted by H.M. and has the honour to represent him here, is, and must be the best judge of their merit and behaviour. But as the Lords Commrs. for Trade and Plantions, to oblige some friends, (who can't give any satisfaction, how proper for H.M. service) distinguish persons, without any information of their characters from hence, gives grounds to have it suspected, that upon application at home, favours can be obtain'd, by other channels than by deserving them from the Government, and that signified att home ; all power, or more properly, the only influence, one can have here, is gone and lost ; Yr. Grace can very well judge, what effect it must have, to see worthless wretchess triumph over the Government, and bragg (using their own words) of their equall att least, if not a superior interest at home ; H.M. authority is not only there by grosly insulted, but the treatment I am expos'd to, is intollerable. It is not att all imaginary, or to gain any private view. I hope it can't be suppos'd I can, or really worth my while, to have any, but as this makes it intirely impossible to answer for the success of

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any thing expected from me, or committed to my charge, I can't be silent, and must earnestly entreat yr. Gee. that some proper method may be found out and us'd to redress this grievance (which I apprehended, before I came away, but was assur'd should never happen). As by what has been lately done att home, the event of affairs is made doubtfull, however hope they may, and will change for the better, in case, what has been done, and what is offer'd by me, concerning the Councillors, be rectified with speed, and also what I have so fully mention'd in my other letter be taken into consideration and dispatch'd. What I have there in at length sett forth, supports what I now in this am oblig'd to apply to yr. Gee. for. The Lords of the Admiralty take likewise opportunities (as they give way to private recommendations, intended for secret ends) to make me uneasie, by appointing persons in stations, (in a manner under my inspection, by virtue of my commission, instructions, and the English laws, as belonging to the Admiralty Court) that are declar'd opposers to the Government, and value themselves upon't, and particularly by suporting them in such a manner, as if intended in contradiction to me, what reason their Lordshps. can have for it, I can't comprehend, when nothing is wanting in my inclinations, nor shall it be, as far as it is in my power to do what may be most agreeable to them, but to see undeserving persons, chose by them, and also others, I had, (to encourage, upon the recommendation they brought) appointed my self, and finding afterwards they were not to be trusted, and deficient in their duty, remov'd, come, and with haughtiness claim, to be restor'd, as if they almost expected I should acknowledge my error in what I had done, and make some sort of excuse for it, is surprising and I beleive not intended; No Government by this can support any decorum, it exposes me to such a sort of behaviour, in many respects, as I have never been us'd to, or have ever mett with; such as no man of honour can be easie, whilst it does continue. As I wish for nothing more, than to give all the satisfaction that can reasonably be expected of me, I can't see, what can prevent or obstruct having these matters settel'd so, as that the dignity of H.M. government may be supported and countenanc'd, and not by any accidentall transaction be made uneasie, to the satisfaction of those who laugh, and are constantly ready to fly in the face, of authority: tho these are what appears of little or no moment att home, however are attended with bad consequences here, where one has to many difficulties already to struggle with, considering the strange, unreasonable and unaccountable tempers this place produces. I think some apology would be necessary for transgressing so much on yr. Gees. time and patience, but the necessity of sending the best and fullest informations I can, and my promise to avoid troubling yr. Grace when not compell'd, I hope will plead my excuse *etc.* Signed, Portland.

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Endorsed, Rd. 2nd March, 1725. *Holograph*. 4 pp. *Enclosed*,

811. i. *Same to Same*. Dec. 18. *Acknowledges* letter of 5th May and 1st June, his recommendation of Mr. Moses Montell, brother in law to Mr. Corbiere, and H.M. Instruction for continuing the Revenue Act and laws *etc*. *Continues* :—I heartily wish that the bill for perpetuating them had come over instead of it, the want of which has lately been attended with scruples and jealousies, as your Grace will find by what is to follow, and you will also judge by that, how necessary it is for H.M. service, and the publick tranquility, that whatever concerns the Government, should at least be done by their privity and knowledge, if not by their recommendation ; since the consequence of one accidental wrong step at home, tho' unknown there, is attended with the utmost confusion, and by the use that is made of it here, exposes the Government and leaves it intirely destitute *etc*. *Continues as covering letter to Board of Trade supra*, from line 6. *Signed*, Portland.

811. ii. Duplicate and abstracts of preceding. *Endorsed*, Rd. Feb. 26, and dated Dec. —.

811. iii, iv. Duplicates of No. 810, iii.

811. v. Duplicate of No. 810, ii.

811. vi. Duplicate of No. 810, i.

[C.O. 137, 52. ff. 155-165, 167-176v., 178-179, 181-188v., 190, 192-198.]

Dec. 18. **812.** Address of Council of S. Carolina to the Duke of Newcastle. They have been obliged to pass a bill for the support of the Government in the form sent up by the Assembly, who deny the right of the Council to amend a money bill *etc*. Ask that H.M. will signify his pleasure on this point. *Signed*, Ra. Izard, Wm. Bull, James Kinloch, Char. Hart, Benja. Schenkingh, A. Skene. *Endorsed*, Rd. July 19, 1727. 1 p. [C.O. 5, 383. No. 34.]

Dec. 20. **813.** President Middleton to the Duke of Newcastle. *Refers to letter of 10th Sept., and acknowledges* receipt of his Grace's commands thereon *etc*. *Continues* : The receipt of which I have not communicated to the Spanish Govr., knowing very well my own incapacity to transact in an affair of so much moment *etc.*, and beleiving that in a very small time we shall have the honour and happiness of H.E. General Nicholson's return *etc.*, or another Governor, by whom that affair would be better managed *etc*. Pursuant to the desire of H.M. Council (as you will see by their Address to me) I transmitt to your Grace a letter from those Gentlemen with copies of the several original messages from the lower house of Assembly to them, relating

Charles
Town.

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to the priviledge in passing the tax bill. I also send your Grace a copy of what I said to them on the Prorogation. I humbly entreat your Grace to lay the whole affair before H.M. that we may receive his Royal orders thereon to prevent the like disputes for the future. I doubt not but that the papers that will be delivered herewith to your Grace, will sett this matter in so true a light, that I may be fully enabled to justifie H.M. Council and thereby put a stop to all such unjust and unwarrantable cavills hereafter. *Signed*, Ar. Middleton. *Endorsed*, Rd. 25th Feb. 1 $\frac{3}{4}$ pp. *Enclosed*,

813. i. Address of Council of S. Carolina to the Duke of Newcastle. Charles-Town, 20th Dec., 1725. By the 35th Article of H.M. Instructions to H.E. Francis Nicholson, H.M. Council of this Province are invested with a power of framing altering and amending mony bills; but the Members of the Lower House of Assembly have not only by several messages denyed us any such power; contrary to the King's instruccons and the constant practice of this Province; but have by a vote of their House declared that the Members of H.M. Council here, have no power to make any alterations to a Tax Bill. Notwithstanding we look upon the same as detrimental to H.M. Royal Prerogative; We have been obliged to give our assent to an Act for raising a tax on the inhabitants of this Province for the support thereof; whereby we have (by the Lower House of Assembly) been put upon the necessity of either rejecting the same, or passing it after their own manner. We do assure your Grace that the apprehension we were under of the confusion that must have ensued upon rejecting a bill that provided for the support of the Governmt, was the only inducemt. for our giving our assent thereto; and we hope that H.M. will please to give it a favourable construction. *Enclose* messages that have passed between the two Houses on that subject. *Continue* :—We hope that from your Graces goodness you will be pleased to lay this affair before H.M., and that he will be graciously pleased to signify his Royal pleasure herein for the preventing all disputes of this nature that may arise for the future. *Signed*, at the desire of H.M. Council, Rd. Izard. *Endorsed*, Rd. 25th Feb. 3 pp. [C.O. 5, 387. Nos. 58, 58. i.]

Dec. 22. 814. Council of Trade and Plantations to the Lords Justices.
Whitehall. *Representation* on petition of Isaac Miranda and Fernando da Costa (v. C.S.P., 26th May, 1723.) *Enclose* transcript of proceedings in the Court of Admiralty transmitted by the Governor of Jamaica. *Continue* : We shall not take upon us to enter into

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the legality of the sentence or the nature of the circumstances that attended the seizure or condemnation of the petitioner's effects, these matters being cognizable only by appeal either to H.M. in Council or to His High Court of Admiralty here ; But we beg leave to aqt. your Excellencies that in our humble opinion, indigo being a necessary material in many of our manufactures, all possible incouragemt. should be given to the importation thereof into Great Britain. [*C.O.* 138, 17. *pp.* 52-54.]

Dec. 23.
Lincolns
Inn.

815. Mr. Attorney General to Mr. Popple. I received your letter (Dec. 15) to Mr. Sollicitor General and myself reminding us of the reference of papers transmitted by Lt. Governor Drisdale. We have long ago considered those papers, so far as it was possible for us to doe without being attended by the agents of the parties concerned, but a caveat having been entred in my office on the behalf of Col. Spotswood, who claims a property in the matters in question, against any report being made without his being heard according to the common course of proceeding, no report could be made till he had an opportunity of laying his objections before us. The method of doing this is for the Agent of the Province to summon the party entring the caveat to attend to make out his objections at a time appointed, and then both sides may be heard, or if nobody attends on the behalf of the person entring the caveat a report will be made *ex parte*. The want of doing this has occasioned the delay *etc.* *Requests that* the Agent, who appears not to have received any orders from his principalls covering this affair, may be instructed to wait upon him in order to summon Col. Spotswood to attend upon his caveat *etc.* *Signed*, P. Yorke. *Endorsed*, Recd. 23rd Dec., 1725, Read 12th Jan., 172 $\frac{5}{6}$. 1 $\frac{1}{2}$ *pp.* [*C.O.* 5, 1319. *ff.* 232, 232v., 233v.]

Dec. 24.
New York.

816. Governor Burnet to the Duke of Newcastle. *Refers to enclosure following. Continues* :—Tho' the Assembly could not be prevail'd with to provide for a new revenue (*v.* 17th Nov.), yet they very heartily came into renewing all the Acts to prohibit the trade for Indian goods to Canada, and for promoting a trade with the remote nations of Indians, which they are convinced are of great benefit to the Province, by repeated experience. This is the only Act of moment which was then (Nov.) passed, *etc.* *Signed*, W. Burnet. *Endorsed*, R. 6th Feb. 1 $\frac{3}{4}$ *pp.* *Enclosed*,

816. i. Duplicate of following. [*C.O.* 5, 1092. *Nos.* 47, 47.i.]

Dec. 24.
New York.

817. Governor Burnet to the Council of Trade and Plantations. I had not the honour of receiving your Lordships' letter of 4th May till the 11th of this month, which I humbly submit to your Lordships' inquiry *etc.* *Encloses* and reports

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upon three public Acts and one private Act passed in November, and Sessional papers. Encloses following to show increases due to the Indian Trade Acts. *Set out*, N. Y. Col. Docs. V. pp. 772, 773. *Signed*, W. Burnet. *Endorsed*, Recd. 5th Feb., Read 23rd June, 1726. 5 pp. *Enclosed*,

817. i. Imports of New York, and exports of beaver and furs, 1725. *Set out*, N. Y. Col. Docs. V. p. 774. *Endorsed*, Recd. 5th Feb., 1726. 2 pp. [C.O. 5, 1054. ff. 12-14, 15v., 18v.-19v.]

Dec. 24.
New York.

818. *Same* to Mr. Popple. *Hopes* he will find out by what neglect of the post-office or elsewhere the letter referred to in preceding was so long mislaid. *Refers to enclosures. v. preceding. Signed and endorsed as preceding. Holograph.* 1 p. [C.O. 5, 1054. ff. 16, 17v.]

Dec. 25.

819. Petty Expenses of the Board of Trade, Michaelmas to Christmas. £148 7s. 6 $\frac{3}{4}$ d. Stationer's bill, £56 14s. 6d., Postage, £27 0s. 11d. Woods and coals, £33 1s. 5d. (including "Scots' coales at 33s. p. tonn from the Poole"). *Endorsed*, Read, Jan. 7, 172 $\frac{5}{6}$. 5 $\frac{1}{4}$ pp. [C.O. 388, 78. ff. 134, 135v.-139, 140v.]

Dec. 30.
London.

820. Governor the Earl of Orkney to the Council of Trade and Plantations. Recommends Mr. Grymes, *as* Nov. 17. *Signed*, Orkney. *Endorsed*, Recd. 12th, Read 14th Jan., 172 $\frac{5}{6}$. *Holograph.* 1 p. [C.O. 5, 1319. ff. 238, 239v.]

[Dec. 30.]

821. Petition of James Douglas, of London, merchant, to the Lords Justices. In behalf of Jeremiah Browne of St. Kitts, prays that he may be confirmed in possession of some land in the late French part of St. Kitts, purchased by him in 1713 from Marmaduke Bacheler and Mary his wife, widow of Ralph Willet. Governor Hart threatens to make grants of the remainder of these lands (80 acres), besides the grant of 40 acres to John Burnet, now depending before the Committee for hearing appeals. 1 p. *Overleaf*,

821. i. The Lords Justices refer this petition to the Council of Trade and Plantations for their report. Whitehall, 30th Dec., 1725. *Signed*, Ch. Delafaye. *Endorsed*, Recd. 10th. Read 16th Feb., 172 $\frac{5}{6}$. 1 $\frac{1}{2}$ pp. [C.O. 152, 15. ff. 231, 231v., 232v.]

[? 1725.]

822. Petition of John Spooner to Mr. Secretary Walpole. Requests copies of petitions of Robert Cunyngham and his late aunt Mrs. Salenave, petitioner designing to petition the Lords Justices that the Attorney General may prosecute a *scire facias* in order to try the validity of Cunningham's grant. (v. March 3 and 27). *Endorsed*, Granted. *Without date.* $\frac{1}{2}$ p. [C.O. 239, 1. 32a.]

1725.
[1725.] **823.** Mr. Hammerton to the Duke of Newcastle. Begs that his affair may be dispatched (v. Oct. 27th). *Signed*, John Hammerton. *Without date*. 1 p. [C.O. 5, 383. No. 13.]
- [1725.] **824.** Mr. Hammerton to Mr. Delafaye. Begs for orders in his affair this night, before the Duke goes out of town *etc.* (v. Oct. 27th). *Signed*, John Hammerton. *Without date*. 1 p. [C.O. 5, 383. No. 15.]
- [1725.] **825.** Mr. Hammerton to the Duke of Newcastle. I do not ask to depose Mr. Hart, the present Secretary. He desires leave to resign that place to me. He is now so very infirm that he is not capable to act *etc.* *Signed*, John Hammerton. *Without date*. 1 p. [C.O. 5, 383. No. 16.]
- [1725.] **826.** Mr. Hammerton to Sir Robert Walpole. Reminds him that he promised to speak to the Duke of Newcastle on his behalf and that he gave him Mr. Hart's petition for that purpose. *Signed*, John Hammerton. *Without date*. 1 p. [C.O. 5, 383. No. 17.]
- [1725.] **827.** *Same* to the Duke of Newcastle. Prays for the dispatch of his affair. *Signed*, John Hammerton. *Without date*. 1 p. [C.O. 5, 383. No. 18.]
- [1725.] **828.** Anonymous Memorandum. *Quotes from* Order of Council, June 1st, upon Governor Shute's complaint, "approved by H.M. at the last Council before he went abroad," and suggests that the Lords Justices should sanction an Instruction to the Governor directing him to acquaint the Representatives of Massachusetts Bay with the gist of it *etc.* (v. A.P.C. III. pp. 103, 104). *Without date, signature or endorsement*. 2 pp. [C.O. 5, 10. No. 186.]
- [? 1725.] **829.** Memorial in behalf of Governor Hart to the Duke of Newcastle. Asks for H.M. licence for 6 months absence, his continual voyages in order to attend the Assemblies in the several islands having so affected his health, "that his Physitians have advised his speedy return for the benefitt of the Bath" *etc.* 1 p. [C.O. 152, 40. No. 21.]
- [? 1725.] **830.** Petition of Charles Pym, Drury Ottley and John Willet, of St. Christophers, and Daniel Moore and Thomas Truman of London, executors of Richard Holmes decd. late Member of Council of St. Christophers, to the Duke of Newcastle. In order to carry out the provisions of the will of said Holmes, pray that a grant may be made to them of two plantations in the French part of St. Kitts owned by him, and one of which he inherited from Major General Michael Lambert,

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whose daughter Susanna he married. *Details given. 2 pp.* [C.O. 152, 42. No. 140.]

[? 1725.] **831.** Petition of Ralph Noden to the Duke of Newcastle. In 1712 petitioner obtained a patent as Secretary and Provost Marshal of Bermuda, which was taken out in the name of George Tucker upon his entering into articles to pay him £80 pr. annum Bermuda money, about £60 sterl. This patent Noden got renewed under his present Majesty *etc.* Lt. Governor Hope has suspended him for incapacity and malpractices, having found out that he was in combination with Edward Jones, and his son, a person of infamous character, to disturb the peace and welfare of the island and excite the people against the Governor, by endeavouring to prevail with them to sign a paper for raising money to carry him or his son Richard Tucker to England to justify his conduct and remove the Governor *etc.* Tucker connived at Edward Jones' jr. running away from the island and owes Noden £100 upon account of his above agreement *etc.* *Prays* that he may take out the patent in his own name, which the Governor desires for the tranquility of the island *etc.* *No date, signature or endorsement.* (Cf. Sept. 30, 1725.) $2\frac{3}{4}$ pp. [C.O. 37, 26. No. 36.]

[? 1725.] **832.** Extract, relating to Mass., from General report on state of Colonies. $2\frac{1}{4}$ pp. [C.O. 5, 752. No. 32.]

[? 1725.] **833.** Petition of William MacDowell to the King. Petitioner has been in possession of a parcel of land in the former French part of St. Kitts for eight years, and improved the same. Your Majesty's royal pleasure was signified to the Governor of the Leeward Islands by Lord Carteret's letter, 13th Feb., 1722, that petitioner should remain in quiet enjoyment of the same until your Majesty should think fit how to dispose of the said French lands. Notwithstanding which, Governor Hart has dispossessed him of part thereof, by destroying the canes and provisions planted by him, and ordering his own servants to plant the same for his own use. *Prays* to be restored and confirmed in possession of said lands. *Without date or endorsement.* 1 p. [C.O. 239, 1. No. 36.]

[? 1725.] **834.** John Thomas to the Lords Justices. *Certifies* that in Aug. 1721, Capt. Massy at Jamaica behaved well on board the *Happy Snow*, Capt. Laws, commander, which went in pursuit of a pirate *etc.* *Signed*, John Thomas. *Without date.* 1 p. [C.O. 137, 46. No. 47.]

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1730. **835.** Naval Officer's accounts of ships entered and cleared, New York, Sept. 29, 1725-1730. [C.O. 5, 1224.]

1725.

1725—

1727.

836. Naval Officer's list of Vessels entered and cleared in Virginia, 1725-1727. [*C.O.* 5, 1442.]

[1724—

1725.]

837. A deduction of representations made by the English Ambassador in France, with regard to the fishing, furring and settling of the French in Newfoundland, and their pretensions to Tobago. The Duke of Newcastle, Oct. 15, 1724, instructed Mr. Walpole to represent in a strong and friendly manner to the Ministers of France the complaints of Capt. Boulter, appointed to protect the Fishery at Newfoundland, that the French not only fished and killed furs, but had several families settled at the Bays of Despair and Fortune, who had been so insolent as to fire on H.M. subjects, one of whom was dangerously wounded, and particularly that several Frenchmen, under pretence of going from Port Frederick to Cape Breton, were settled at the Bays aforesaid *etc.* M. de Morville, in reply, communicated a Minute by M. de Maurepas, in whose province such affairs lay, (21st Nov.), that they had received no news, which could give room to suppose, that the French of Cape Breton or of Labrador had established themselves at the Bay of Fortune in Newfoundland, and that if there proved to be any foundation for the complaint made by the English the French would do them justice. But it was to be wished, the English would not molest the French Fishery on the Bank of Newfoundland, and would also do the Crown of France justice on the affair of Cape Campreau. On 11th Feb., 1725, the Duke of Newcastle sent Mr. Walpole an extract of a letter from Capt. St. Lo to Mr. Burchet, 14th Nov., 1724, enclosing one from Mr. St. Lo to M. St. Ovide, Governor of Cape Breton, and his answer, Sept. 20th. By these papers it appeared that, Capt. St. Lo made mention of the like intelligence of several French families being settled in the Bays of Despair and Fortune, and the Governor of Cape Breton answered, that he had never heard of any such settlements, and promised to remedy it the next year, when the season should permit their going out to discover the truth of it, so that there not appearing as then, any great cause of complaint, the attempt being disowned by the French Governor of Cape Breton, who had promised redress, if found true, His Grace recommended no more to Mr. Walpole than to take notice of the fact to the Ministers of France, that such orders might be sent to their plantations as might prevent any encroachments of this nature. Thus matters stood, till the Lords of the Admiralty applied for instructions in relation to the late encroachments of the French; for their Commander the Commodore of the Convoy about to sail. On April 26th, 1725, the Duke acquainted Mr. Walpole at Paris that he had acquainted them with the French reply (*above*), and added that he should renew his instances upon that subject *etc.* He likewise sent him Governor Worsley's

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letter, (*v.* 24th Jan.) as to the French pretention to Tobago, whereupon the King, who had approved of some steps already taken by the said Governor of Barbados in support of the right of England to that island, and had directed him to insist upon H.M. title thereto, in case it should be further disputed, was pleased to order Mr. Walpole to mention this affair to the Ministers of the French Court, and endeavour to inform himself of the state of their pretensions, and in case he found they insisted upon the said island, as a right, belonging to the Court of France, he should be furnished from England with sufficient proofs of H.M. right to it. These matters having been submitted to M. de Morville by Mr. Walpole in a letter of 14th May, 1725, that Minister acquainted Mr. Walpole that by order of the Duke of Bourbon, they had been referred to M. Maurepas, and that an answer should soon be returned in writing. But as no answer is found, and probably none was given, it is to be presumed the French thought their former reply, promising redress, if the facts were found true, was sufficient, and as they were equally silent as to their pretensions to Tobago, both these points have remained to this day without any farther complaint. *Of later date.* 7½ pp. [C.O. 194, 23. No. 33.]

May 30. **838.** H.M. Instructions to the Lords Proprietors of North Carolina relating to the Acts of Trade and Navigation. [C.O. 5, 192. pp. 1-23.]

[1724] **839.** An account of the Expedition of Sta. Lucia, communicated to the Council of Trade and Plantations. *Signed*, Montagu. (*v.* C.S.P. 1722, 1723). *Contains* an account of the sailing; capitulation; Admiralty Instructions to Capts. Orme, Brown, and Brand; names, and employments and wages of the personnel; provisions sent; ships chartered; copies of letter from M. de Feuquière to Governor Uring, and from Governor Uring to the Duke of Montagu, Dec. 22nd, 1722, Jan 4, 1723; and Articles of surrender, Jan. 8, 1723. [C.O. 258, 3. ff. 6-49.]

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